S. Hrg. 101-294

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1990

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

H.R. 3026

AN ACT MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART AGAINST THE REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1990, AND FOR OTHER PURPOSES

Board of Education
Council of the District of Columbia
Court System
Crime and Drugs in the District of Columbia
Department of Corrections
Nondepartmental witnesses
Office of the Mayor

Printed for the use of the Committee on Appropriations

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DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1990

TUESDAY, APRIL 4, 1989

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9:30 a.m., in room SDG–50, Dirksen Senate Office Building, Hon. Brock Adams (chairman) presiding.

Present: Senators Adams, Fowler, Kerrey, Gramm, and Domenici.

Also present: Senators Mikulski, Rudman, Specter, and Delegate Fauntroy.

DISTRICT OF COLUMBIA

CRIME AND DRUGS IN THE DISTRICT OF COLUMBIA

STATEMENTS OF:

HON. MARION S. BARRY, JR., MAYOR

MAURICE TURNER, CHIEF OF POLICE, METROPOLITAN POLICE DEPARTMENT

HALLEM WILLIAMS, DIRECTOR, DEPARTMENT OF CORRECTIONS

ACCOMPANIED BY:

DAVID A. CLARKE, CHAIRMAN, COUNCIL OF THE DISTRICT OF COLUMBIA

NADINE WINTER, COUNCIL MEMBER

DR. REED TUCKSON, COMMISSIONER, PUBLIC HEALTH

FREDERICK D. COOKE, CORPORATION COUNSEL

OPENING STATEMENT

Senator ADAMS. The Subcommittee on the District of Columbia, of the Committee on Appropriations of the U.S. Senate will come to order.

I will ask that the witnesses approach. I will make an opening statement on the purpose of the hearing, and will ask my colleagues to keep their opening statements as short as appropriate.

I do not want anybody to be limited, but we have three panels this morning. I hope we will finish with them. If we do not we will go over until Friday and finish them then, because it is absolutely essential that we have this information, and we have it today.

My name is Brock Adams, I am a U.S. Senator from the State of Washington.

We have called today's hearing because we are faced in the District of Columbia with a crime and drug crisis that has become the focus of national attention.

This committee's responsibility, to the U.S. Senate and to the Nation, is to recommend the funds to be appropriated to the District of Columbia to deal with the problems of the District of Columbia.

This particular hearing, and this attention, is warranted because we are the Nation's Capital, and because the human suffering of so many of this city's residents demands our attention.

If we cannot fight the drug problem at the seat of our National Government, then how can we expect Seattle, or Dallas, or Omaha to deal with their drug problems?

This is the first of several hearings this committee will hold over the next few months.

Many people spend a great deal of time talking about how bad the situation is, and how complex the problems of drug use, and drug-related crime, are.

Oh, good morning, Senator Gramm.

Senator GRAMM. Good morning.

Senator ADAMS. Senator Gramm is the ranking member of the committee, and we are pleased to have you here this morning.

Too many people think complex problems require complex solutions. It is a mistake to think that this subcommittee can solve the problems of the District of Columbia, but we can start here and ask the tough questions which need to be answered to solve this crisis.

We must start today to see what immediate actions we can take, and then move step by step through the other actions that will lead to a long-term solution.

There is a short-term problem and a long-term problem. I will outline those in this opening statement, and we will be dealing today with the obvious, which is to stop the bleeding, in the short-term problem.

SENATOR BROCK'S POSITION ON HOME RULE

Let me first state my position on home rule, and then list some of the points of inquiry I hope the witnesses will address and answer today. If they cannot answer today, we would like to have that answer in writing. If they would like to appear at a later time, and answer publicly, that opportunity will also be made available.

Now, some might say that Congress is threatening home rule because of our interest in the narcotics war in the District and in the region. I believe in home rule. In fact, I was the chairman of the subcommittee of the House of Representatives that drafted the home rule bill, and acted as floor leader during consideration of the legislation.

The drug problem, however, in the District is so overwhelming that I believe it is time for the District to look for assistance from Congress to assist local officials in solving the problems.

MAJOR AREAS OF CONCERN

There are questions I hope to have answered here today. Let me outline my major areas of concern, and I hope they will be addressed during the three panels this morning. I am certain my colleagues may have others.

POLICE ON THE STREETS

First, police on the streets. I am prepared to support, with money, in this committee, more police officers. I have some questions to be answered before we appropriate the funds, and this will, of course, involve the amount of funds necessary, the amount of funds necessary for an increase in personnel. We would appreciate being supplied with these in varying amounts.

At one point, during my congressional career, the Metropolitan Police force numbered 5,100. I would like the question answered as to why it was allowed to drop to 3,900. There may be good reasons, and I use those two figures because they are established facts within the District's history.

If Congress provides funding for more police, we need the answers to: How soon can they be recruited? How long will it take to train them? How many will be involved? How many will be in intelligence units? How many in narcotics strike forces? How many in the Homicide Division, on foot patrol?

We need a plan and costs. I outline this for you, since I am a former U.S. attorney, I have tried many narcotics cases. I know the world has changed since the days of the Kennedy administration, but I know that we need at least these provisions.

For this committee to properly function, we have to have facts as to what this will cost, what the deployment will be, and we will use those facts in presenting this matter to the Senate, and later in the House-Senate conference.

PROSECUTORS AND THE COURTS

My second point, prosecutors and the courts. It makes no sense to make 43,000 arrests if we do not have enough prosecutors, judges, and security facilities to keep murderers and others involved in drug crime off the streets.

What is happening—and I ask this as a question—to the drug dealer on his first, second, and third offense? I have read the reports of the Metropolitan Police Department, and the updates of those reports. I think they are very good, but I think we need these questions specifically answered, and on the public record, so that we can use them in the Senate, and later House, debates.

With these offenders, on first, second, and third offenses, are they going to jail? If not, why not? What is the District's bail policy? Are there changes we should make in the antiprevention detention law?

Are we using other court remedies, such as seizing drug dealers' assets, cars, houses, personal effects? Do we, as other cities, utilize public nuisance laws to close crack houses and to board them?

REMOVAL OF WEAPONS

Third point, removal of weapons. What needs to be done to keep automatic and semiautomatic weapons, sawed-off shotguns, and other assault weapons off the streets of the District of Columbia?

If I, as U.S. attorney, could keep Thompson submachine guns off the streets 25 years ago, then it would appear to me that the Federal agencies, and particularly alcohol and tobacco tax, ought to be able to keep Uzi's and AK-47's off the streets now.

I hope that that question will be answered, and I might state at this point that I have also invited Mr. Bennett to appear before these hearings. I have written to him, and I have talked with him personally; I know he is preparing testimony to be available.

Though he will not be here this morning, that does not mean that he will not be here at a later date to indicate the coordination of Federal roles.

MORE PRISONS

Fourth point, prisons. Obviously, we cannot arrest and sentence more people if we do not have a place to put them. We need to know the cost of constructing temporary holding facilities at surplus Federal sites, such as the Army bases being phased out, or others that may be available. This is done in other States at the present time.

We need the answer to the question, what is available in the D.C. area? What about the situation at Lorton? What is the long-term program to add more prison cells? What are we doing to keep drugs out of the prisons?

These are questions in the corrections area, and we have the head of the Corrections Division with us this morning.

Fifth, school security and punishment. What are we doing in our schools about drugs? Are we educating kids early enough? Are we providing proper security to keep drugs and guns out of the schools?

Are there penalties short of incarceration that will have an effect on young people just experimenting with drugs, such as suspensions, with temporary assignment to a special school?

My son graduated from one of the high schools in this city many years ago, and I can understand how a deterioration could take place, and I want to know what—and so does the subcommittee—is occurring in the schools at this point?

INTERDICTION

Six, interdiction. I wish the National Drug Policy Director, William Bennett, were here today, but we will hear from him, to give us the benefits of his thoughts on interdiction and other issues.

As a former Secretary of Transportation, I know the Coast Guard is not capable of stopping most of the drugs coming into this country. We must involve the technical resources of the Department of Defense, and others, to help the Coast Guard and the DEA conduct the interdiction war.

THE DRUG USER

Seven, the user. I think we need to ask some questions about, and I hope the panels will comment on, the underlying causes of this crisis, and the types of drugs, and the criminals we are dealing with.

Why is crack so different from other drugs? Should we ask the National Institutes of Health to concentrate on how we can treat crack addiction?

Who uses these drugs? What can we do to make the casual user think twice before purchasing drugs?

We need the answers to these questions, so we can make rational, D.C. funding decisions. The answers to these questions are not easy. However, the committee is not seeking easy answers; we are not seeking the correct political answers, nor are we looking to point fingers.

Rather, what we are seeking is a consensus of what is responsible, reasonable, and doable, both in the short term and the long term.

Some will say this task is impossible in this city, in this political climate, at this time. This view would surely give up the fight and walk away, and the people of the District of Columbia, and every American, would lose.

However, I do not think it is impossible to find a consensus for action. I hope this committee and our friends in the House can join in a partnership with the D.C. government to find that consensus.

I hope we can do it in a bipartisan way that will benefit not only the residents of the Nation's Capital, but everyone who is searching for answers to the drug crisis.

I am asking all of the panels, and the citizens, to help us. We need the answers to these questions. We will provide funding, but we must have a basis on which to proceed. That is the purpose of this hearing this morning, and that is the end of my opening statement, and I would turn to the ranking member, Senator Gramm, for any statement he might wish to make.

Senator Gramm?

OPENING REMARKS OF SENATOR PHIL GRAMM

Senator **GRAMM**. Well, Mr. Chairman, let me first thank you for holding this hearing. I would like to begin by saying that the people who run the District of Columbia have a very tough job. It is awfully easy for us to sit here and be critical, or to suggest ways that we would run it if we had that job.

I heard our chairman talk about additional funding, and Mr. Chairman, I would just like to make some comments related to existing expenditures, and I think these comments do raise the question of efficiency.

If we are going to provide additional money, I think we need to begin looking at where the money that is currently being provided is being spent, and why big differentials exist between expenditure and result, and expenditure in the Federal city here in Washington, and other cities of comparable sizes, with comparable problems around the country.

I decided, Mr. Chairman, rather than simply going out and getting data from various think tanks or research institutions, because in that case it is very easy to come up with any conclusion you would like, to limit myself to data from a very reputable group of researchers, the Advisory Commission on Intergovernmental Relations. The Commission was created by Public Law 86-380 in 1959, where Congress established a bipartisan, interlevel body to try to monitor existing conditions and future trends, to track problems that affect State, local, and Federal Government relations, and to make recommendations.

So the data that I am going to present, and do so very briefly, comes from a draft report sponsored by this intergovernmental body.

The first point I would like to make is that the District of Columbia currently spends twice as much on police and correction as the average per capita expenditure of all State and local governments in America.

Second, the District of Columbia has the highest number of police officers per capita of any major city in America and this does not include 3,140 Federal police officers.

Now, I know, Mr. Chairman, the issue is always raised about the District of Columbia and its unique quality of having the characteristics of both a city and a State.

I think, however, if people look at the data from the Advisory Commission, they will quickly conclude that with Federal funds provided by Congress to the Federal city, in addition to 3,140 law enforcement officials provided by the Federal Government with Federal jurisdiction over huge quantities of the geographic area of the District of Columbia, that these contributions more than equal any State or county effort in any comparable city in the United States.

Between 1983 and 1987, the average minimum sentence and the average maximum sentence in the District of Columbia for homicides declined by 20 percent on the minimum sentence, and 26 percent on the maximum sentence.

Now, I do not have the data as to what is happening to these people after they go to jail, or whether they actually end up serving time, but the cold facts are that over the last 6 years there has been a substantial decline in the amount of time that people are actually sentenced to prison for killing other people.

In the United States as a whole, in cases of murder and homicide, 78 percent of those cases result in somebody being arrested, charged, and turned over to the courts for prosecution.

In the District of Columbia, that number is 48 percent. Seventy-eight for the Nation as a whole, and 48 percent for the District of Columbia.

Seventy percent of the people arrested in the District of Columbia are released without bond, and 72 percent of those people test positive on drug tests.

I thought it would be interesting to do some comparisons with my State, and I picked out a couple of cities. First of all, in terms of the number of policemen per 10,000 population, the District of Columbia ranks No. 1 in the country by a substantial margin—62.8. Detroit is next with 46.2.

By comparison, in Dallas, the comparable number is 23.8, and in San Antonio the number is 15.2, or, in other words, there is the equivalent of over four times as many police officers in the District of Columbia as there are in San Antonio, TX.

Now, again, one could go back and argue forever about the county role and State role, and try to adjust for the Federal role in the Federal city, my view is again—and I think these are numbers the committee is going to have to look at—if you look at the 3,140 Federal law enforcement officials in the District, they, in my opinion, more than compensate for any county or State contribution in comparable cities.

But my question is, when there are four times as many police officers in the District of Columbia as there are in San Antonio, why are the results so different?

Finally, Mr. Chairman, let me just say that I believe that this is a problem of very large proportions. Our dear colleague, Senator Rudman, in a hearing before another subcommittee of the Appropriations Committee where the head of the FBI was testifying, raised a very relevant point. He noted that this is the Federal city, that this is the Capital of the United States of America, and that we have to have standards here that are reflective of the country as a whole, that this is not some Third World country.

I think, Mr. Chairman, that that is a very important point, and that is why we are here. Obviously, we want to see the taxpayer get a good return on his dollar. On the other hand, we want the Federal city to be a model to the rest of the country.

I think it is fair to say that this committee is unanimous in its belief that the Federal city is not today the model to the rest of the country that we would like it to be, and I am confident that we can work together to remedy that.

ACKNOWLEDGING SENATORS PRESENT FOR HEARING

Senator **Adams**. Thank you very much, Senator.

In order to have an orderly proceeding this morning, since we have other Senators who are not members of the committee here, I will call on the committee members and ask that their statements be as short as appropriate, and then if the others wish to make an opening statement, if they would so indicate to me, I will recognize them for that, but I would like to get to the panel as soon as possible.

The chairman would like to welcome this morning, in addition to the members of the committee, Senator Fowler, Senator Domenici, and Senator Kerrey, we also welcome you, Senator Mikulski of Maryland, Delegate Fauntroy from the District of Columbia, Senator Rudman from New Hampshire, and we are pleased to have all of you here this morning. We appreciate your interest, and we hope that you will have an opportunity to participate.

When we come to questioning, we will use the 5-minute rule and rotate, so that each member will have an opportunity for a first round of questions and then perhaps a second.

At this point I will go to the ranking Democrat on the committee, Senator Wyche Fowler.

Senator Fowler?

OPENING REMARKS OF SENATOR WYCKE FOWLER

Senator **Fowler**. Mr. Chairman, thanks, and I will be uncharacteristically brief.

The majority of the members of this subcommittee are residents of the District of Columbia, and in that capacity we are here as citizens, enraged private citizens, joining other private citizens of the District over what is happening in our Capital City, in our home town, and demanding answers.

We are also here as public officials responsible, through the jurisdiction of our public responsibilities, to assist the District of Columbia with what must be declared a war if we are to in any way come up with a solution to the problems here.

I know it would be extraordinarily helpful to this committee if we could have from our witnesses this morning as specific suggestions as possible, as to what assistance you would like from the Federal Government, what you see as the appropriate role of the Federal Government, and how we can coordinate our activities through this committee with those primarily responsible in the District, who are on the front lines in this war.

Thank you, Mr. Chairman.

Senator **ADAMS**. Thank you, Senator Fowler.

Senator Kerrey, I am informed by Senator Mikulski she has another committee to chair. Would you be willing to allow her to make a short statement at this point?

Senator **MIKULSKI**. Senator Kerrey is going to chair it for me.

Senator **ADAMS**. Oh, you are going to chair it for her? Well, then——

Senator **KERREY**. I have no opening statement. You just carry on here.

Senator **ADAMS**. All right, thank you, Senator Kerrey.

Senator Mikulski?

OPENING REMARKS OF SENATOR BARBARA MIKULSKI

Senator **MIKULSKI**. Thank you, Mr. Chairman.

I have my own subcommittee, and I understand Senator Kerrey is going to chair it for a little while and then I will go and take over.

Mr. Chairman, thank you for holding these important hearings, and I want to welcome all the witnesses: Mayor Barry and his team, and particularly Professor Sherman from the University of Maryland.

I know that the local authorities are working hard to combat the drug problem, but they need our Federal support.

Mr. Chairman, I know that if we examine today the story of the District of Columbia and what it faces in the area of drug battles, there are also plenty of other cities around the United States of America that are grappling with the same issues.

They and their law enforcement officials are essentially engaged in hand to hand combat with drug dealers in their own communities.

I hope that as we listen to the testimony today we learn how we can work together in partnership with the District of Columbia, but also how we can use these lessons for other big cities.

I think city mayors were winning the battle of urban renewal and revitalization until the drug plague hit them. And like any plague, like locusts, it swept through, just cannibalizing every gain that had been made in the last two decades, whether they were under Jack Kennedy or Ronald Reagan.

Now what we face is, again, this locust-like plague. As we deal with the District of Columbia, I am concerned, as both the Senator from Appropriations and also the Senator from Maryland, about a couple of key issues.

When we move to stamp out drugs, I see that the problem is often like a tomato, if you step on it one place you just squash it and it spreads to another area. Operation Clean Sweep, which the Mayor and the city tried to do so gallantly, resulted in thousands of arrests, but resulted in an increased number of open-air drug markets, going from 80 to about 120.

I am concerned about the District of Columbia, but I am also concerned that as we go to eliminate drugs in the District of Columbia that the problem spreads to Maryland and Northern Virginia.

We do not want to build a moat around Maryland, but we want to work in partnership to be sure that as we deal with this problem we need a regional approach. Local government and the Federal Government need to band together, we have got to get the bad guys off the street, put them in jail and keep them in jail.

As we go through this testimony, there are about four things I think we need to cover. One, will be the regional approach to this issue?

No. 2, how can we help the police, whether it is the Federal authorities or the street cop out there in the District of Columbia? I am concerned about their vulnerability and their safety. They are being out-manned, and they are being out-gunned, and what we need to do is protect the cops as the cops out there are trying to protect us.

Third, when we arrest them, the drug dealers, do we have the capacity to process them in a timely way, or does it get bogged down and clogged up?

Finally, after we process them, do we then have the resources to prosecute them? Does the U.S. attorney have appropriate manpower to make sure once you grab them, once you put them in jail, that you can then prosecute them?

And then after we prosecute them, do we have the resources to put them away? Is there the prison capacity to do that?

If we do not do that, Mr. Chairman, if we do not have the ability to process, prosecute, and put them away, then we are going to make a mockery of every gallant and heroic effort made, whether it is by a local police officer or the Bureau of Alcohol, Tobacco and Firearms.

The drug dealers will know that the very system will free them and liberate them, and that the vigorous efforts of the law enforcement officials will mean nothing.

So, Mr. Chairman, as we go through this, I consider this a national problem. I think drugs are a chemical warfare on our own people, and just as we have gotten tough on Lybia I think we ought to get tough on our own drug dealers.

Senator Adams. Thank you very much, Senator Mikulski.

Senator Domenici?

OPENING REMARKS OF SENATOR PETE DOMENICI

Senator Domenici. Thank you, Mr. Chairman.

I just want to say to the leadership of Washington, DC, that 15 or 16 years ago, my first assignment was to the authorizing committee for the District of Columbia. I have come full circle.

This is the beginning of my 17th year in the Congress, and the Appropriations Committee assigned me to this subcommittee this year. I just want to say to the chairman and to you that I do not take this responsibility lightly. I have plenty to do, but I will do my share in this subcommittee to be constructive.

Having said that, I would like some of you who run the District government to know that while I am from New Mexico, and I am now getting letters from New Mexicans wondering if it is safe to come to Washington, DC, I think I know a little bit about the problem.

I have a son who teaches in a Catholic school up on East Capitol Street. I went up to visit him the other day, and he pointed out a crack house from a window on the second floor, in full view of the sixth, seventh, and eighth grade children at that school. It is known by everyone to exist, and it is no more than 150 feet from the property lines of a junior high school on East Capitol Street run by the Catholic Church.

Just seven blocks from there, within the last 5 days, four children were murdered.

Now, I want to suggest to all of you that if you have come here today asking that we take on one piece of this problem, and that we give you a lot of money for new policemen, I think you are making a mistake.

I believe that we have to do something that starts this war, but if we keep talking about winning the entire war against drugs and their pervasiveness in this city or this country, we will do nothing.

In my opinion, the first thing we have to do is, in a constitutional way, close the open drug markets. We need some suggestions, as you do, as the Federal drug czar does, on how to confiscate property that is being used for open drug markets.

Second, we need to get those who are openly involved in drugs off the streets. I think we have been far too concerned about their rights, and not concerned enough about other people's rights.

I have talked to enough people now who work in this area, and they say a dramatic plan to arrest, to try expeditiously, and to put away, the drug peddlers and those who run these kind of operations would receive—while some might argue about rights—the full support of your populace in this city.

I think that is what we have to do. We do not have to say, you do it. We have to say that together, with the drug czar, the FBI, and other appropriate Federal agencies, and the Federal courts, we commit to assist them to get rid of the open drug markets, get rid of drugs in public housing, and do it in a way that drug dealers understand there is some pain attendant to this scurrilous business.

The chief of police has told us that there were 43,000 arrests. I don't think that means anything. What has happened to the 43,000 people who were arrested?

I am led to believe that arrests are somewhat of a joke, that they know they are going in, and they know they are coming right back out. We need to know that there is a plan to see that that does not happen, that they are tried expeditiously, and put away in prison, if convicted.

I am not one to think this is the whole cure to this problem, but I submit to you that, your citizens—young children in your schools, your public housing occupants—deserve at least a commitment that in their backyards and in their front rooms, and down the hall from where they live, there will not be the open sale of drugs, and murders occurring because of it.

If you cannot make that commitment for starters, and if we cannot help you in some way with that, you will have no credibility with your citizens.

You can talk all you want about long-term plans—prevention, treatment, and rehabilitation—and all of those have to be looked at, but the first step has to be to get rid of the visible scourge in the streets, in public housing, next door to the schools, and in the schools.

I think that unless, and until, some of you put that kind of plan together, you have no chance of being supported by your citizens, and in my humble opinion, little chance of being supported by the Congress of the United States.

Conversely—conversely—you have a chance to get a lot of help if together you will find some way to tell us this is going to be done. Not with 100 percent certainty, but clearly, clearly, you have to make a dramatic and visible start that gives some opportunity for hope among the people in this community that need you the most, in this city of Washington, DC.

So, from my standpoint, while this assignment is one that was given to me after 16 or 17 years, I will do my part. But I submit to you that none of us are going to be able to do it until there is a real, bona fide commitment from the D.C. government, even if it is only one first, major step.

There are lots of questions out there for you, Mr. Mayor. Why don't we have a new prison built yet? We asked you to do that a long time ago.

Why aren't more of these people who are being arrested, being put away? We do not have any answer to that. In fact, I do not even think you can give us the numbers, Chief Turner. As much as I respect you, I do not think you and the police force can tell us what has happened to these 43,000 arrests.

Maybe there are 400 of them that go in and out every week. That would be interesting to know, because that would say the problem is not as big as it seems.

But we need these kinds of answers, and we do not just need somebody up here saying we need $40 or $50 or $60 million more to fight this war. If we do not know how we are fighting it, what the army is, and what the orders are, then I do not believe there is much chance of us succeeding.

Thank you very much, Mr. Chairman.

Senator ADAMS. Thank you, Senator Domenici.

Delegate Fauntroy?

OPENING REMARKS OF DELEGATE WALTER FAUNTROY

Mr. FAUNTROY. Thank you, Mr. Chairman. Let me first express my heartfelt thanks on behalf of our community of 700,000 people in our Nation's Capital for your willingness to assume the chairmanship of the Senate Subcommittee on District of Columbia appropriations at this pivotal point in our city's history.

At a time when we require clear, firm, knowledgeable, experienced leadership in the Congress on the part of the relationship with the citizens of our Nation's Capital, and I assure you that I do not know if they could have come up with a more appropriate chairman to lead us at this period.

Your record of commitment and distinguished service over many years here on Capitol Hill in the U.S. House and Senate on District affairs, is unmatched, and your sense of conscience, your response to duty, your calm and patient examination of every issue affecting the relationship served us well in the drafting of the home rule charter back in 1973, and I am confident that they will serve us well in the effort to resolve the drug dealing and violence problems here.

I want to thank you and other members of the committee as well for allowing me to say an opening word here at the hearing.

Like you, I know that what we sorely need today is not so much predictors of rain as builders of arks, to carry us safely through troubled waters of a problem that plagues our Nation, and one that projects itself most acutely into the daily lives of the citizens of the District of Columbia.

On March 3, 1989, this year, I wrote President Bush to suggest four features which, in my judgment, ought to be an integral part of the ark that we construct here in the Congress.

My first recommendation was that the District be targeted by our newly established drug czar for a do it here first effort, to coordinate all Federal, regional, and local resources in the effort to combat drug trafficking and use in the National Capital region.

I am so pleased that 2 weeks ago our Director of National Drug Control Policy, Dr. William Bennett, announced his intention to do just that.

My second recommendation, Mr. Chairman, was that we authorize national emergency funding to hire 700 additional police officers for the District of Columbia over a 5-year period.

I am pleased to announce that we in the House District Committee, will have special hearings on this coming Thursday, April 13, on H.R. 1502, my bill to fund those 700 police officers.

The key feature of the bill is that it would require that the District employ on a private basis a community oriented policing system developed by NOBLE, the National Organization of Black Law Enforcement executives, and successfully tested by police departments in Houston, TX, and in Newark, NJ.

The Houston police chief, Chief Brown, is expected to testify to the effectiveness of the community oriented policing system program that emphasizes the importance of police and citizens working together, not only to handle crime emergencies, but also to address a broad range of major problems.

The third feature of the ark of safety that I would like to see us construct here on Capitol Hill is a measure to facilitate the prompt eviction of persons engaged in illicit drug trafficking, both in public and private housing in the District of Columbia.

I have introduced H.R. 1194, the Drug-Free Housing and Neighborhood Act of 1989, and we will be expecting hearings on that as soon as we finish marking up the emergency police funding proposal which I referenced.

And then finally, Mr. Chairman, the fourth recommendation I made to the President, which I commend to you, is that we fully fund the $2.8 billion Anti-Drug Act of 1988, that would entitle the District of Columbia to $5 million more in funds for in-school education and prevention, as well as drug treatment facilities which are essential in a comprehensive assault on the drug-related violence that plagues our Nation's Capital.

The bill that we passed last year, as you recall, authorized $2.8 billion, but only $1 billion of those funds has been appropriated to date.

Thank you again, Mr. Chairman, and I look forward to working with you and the committee, especially in response to the questions, even as I look forward now to the wisdom that Mayor Barry and Chief Turner and the other members of the panel will share with us.

Senator Adams. Thank you very much, Mr. Fauntroy.

Senator Rudman?

OPENING REMARKS OF SENATOR WARREN RUDMAN

Senator Rudman. Thank you, Mr. Chairman. I do not have an opening statement. I am hopeful I will have some time to ask a few rather specific questions of the panel. Unfortunately, I do have an 11 o'clock matter which I must get to.

The reason I am interested is because, No. 1, I live in the District. More importantly, I serve as ranking member with Chairman Hollings on the Commerce, Justice, State Subcommittee where any funding for Federal law enforcement initiatives must come from. Thus I am interested in hearing the position of the Mayor and the chief of police, and the other panelists, as well as asking them some specific questions.

If, Mr. Chairman, I am unable to stay to ask those questions, I would ask your permission to submit questions to the panelists and ask that they respond in writing for the record within whatever period of time the chairman deems appropriate.

Senator Adams. Without objection, that will be so ordered.

The record on this hearing will remain open for a period of 5 days for the submission of additional questions and we would expect the answers promptly.

Thank you very much, Senator Rudman.

FIRST PANEL—DISTRICT OF COLUMBIA WITNESSES

Senator Adams. At this time we would like to call forth the first panel, the Honorable Marion Barry, Mayor of the District of Columbia; the chief of police at the Metropolitan Police Department, Maurice Turner; and Mr. Hallem Williams, Director of the Department of Corrections.

Gentlemen if you would please come to the witness table we would appreciate it.

I will not set any time for your statements, because I want you to feel free to fully comment on your subject. I will ask the members of the committee who are here to limit their questioning as we start to the 5 minutes apiece, and I will time that, and then we will rotate again if we need to do it.

I would appreciate it, since I know most of you but see that you have brought counsel and others, Marion, so if you would start with the Mayor, and if you would introduce those with you, and I would ask you, Chief Turner and Mr. Williams, if you, as you start to testify, to introduce whoever is with you, so that the members of the subcommittee will know whom we are addressing.

It is a pleasure at this time to call upon the Mayor of the District of Columbia, Mayor Marion Barry.

OPENING REMARKS OF MAYOR MARION BARRY

Mayor BARRY. Mr. Chairman, I would like to, first of all, thank you for the opportunity to testify before this committee on the very serious and important issue of crime and drugs in Washington, DC.

I would like to introduce the members of the panel. I brought more than just the three you asked for because this is a team effort.

To my left is Police Chief Maurice Turner, a veteran of some 32 years in the Metropolitan Police Department. Next to him is Frederick Cooke, the city's Corporation Counsel, and next to him is Reed Tuckson, our Commissioner of Public Health. He has overall responsibility for drug treatment and health in Washington.

Next to him is our Superintendent of Schools, Andrew Jenkins.

To my right is Hallem Williams, Director of the Department of Corrections, and to his right is Carol Thompson, my Administrator, and Deputy Mayor for Operations.

Mr. Chairman, I would like to ask the panel to be fairly patient with us in the sense that, since this is our first appearance before your committee and the public, we may want to give some background on the Washington setting.

We thank you, Mr. Chairman, for agreeing to take this Senate Appropriations Subcommittee on the District. As you indicated, you have been a friend of cities in general, and Washington in particular, doing a job out of a sense of duty and commitment, and this is very essential.

I would also thank other members of the committees for agreeing to take on this assignment. Senator Phil Gramm brings to the committee a sense of fiscal responsibility, a knowledge of urban economics. I would also thank Senators Fowler and Kerrey especially for lending their support, and I am always glad to see our Senator from Maryland, Senator Mikulski, and our Congressman, Walter Fauntroy.

Mr. Chairman, as you and other members of the committee realize, the D.C. government is the most complex State, county, and city government in America. We do not have a county government or State government to turn to as other cities. We perform State functions, county functions as well as municipal functions.

The D.C. government operates over 3,000 programs, from collecting State income taxes, managing State business, inspecting restaurants, trimming trees to a host of other critical functions.

Also, Mr. Chairman, as you indicated earlier, our government is only 14 years old. As you know, prior to 1973, the government was managed by three commissioners. We have not had the kind of experience of other governments. On the other hand, we do experience striving for excellence, trying to do our very best, striving to solve our problems as quickly as we can.

Mr. Chairman and members of the committee, I believe you indicated that there are some of you who believe the D.C. government is inefficient. Let us look at it. There are 40,000 employees who work awfully hard managing our over 3,000 plus programs.

Very rarely do you ever hear about what works. For instance, if each of these employees made just 1 mistake a week it would be over 2 million mistakes a year, or if they made 1 mistake a month, that would be about 500,000 mistakes a year. Obviously, this does not happen.

We have our series and sets of problems of other cities, but I maintain, Mr. Chairman and members of the committee, that compared to other cities, counties, and States, your D.C. government works as well or better than most. We are still striving for excellence, doing it right the first time, answering questions from our taxpayers, making sure they receive courteous and timely service, and being financially prudent with the taxpayers' money.

Mr. Chairman, I am delighted that you are having this hearing, because it will give those of us who are directly responsible for management of the D.C. government an opportunity to present our programs and plans directly to you, and put on record what we are trying to do.

DRUGS AS A NATIONAL PROBLEM

Mr. Chairman and members of the committee, the situation of violence and drugs and their underlying social causes are not limited to Washington, DC, and the Washington region. This is indeed a national, and an international, problem.

Cocaine, heroin, and marijuana are not grown in America. In the best of all possible worlds, we would stop the manufacture of cocaine and heroin and marijuana at their source, but for a variety of reasons this is not going to happen very soon.

Therefore, we need to develop a coherent, national strategy, not only covering Washington but the entire country. We also, Mr. Chairman, need to see that none of the cocaine destined for America gets here. But this is a $150 billion business. There is a lot of money in it.

Also, Mr. Chairman, just for the record, let me say that I have spent almost 30 years of my life working for people—in the civil rights movement, as president of the school board, member of the City Council, and now as Mayor of our great city.

There is no person in this room or Nation as committed as I am to solving the problems of drug sales and drug abuse, violence, and criminals. We are working night and day to try to come up with solutions to this large human cost.

We are saddened by these 372 murders last year, saddened because of their hurting the families and the communities where people lived, and also the fallout that is happening to our city and our region.

I am outraged at the amount of drugs that has increased in America in general, and in Washington in particular.

The question is, Mr. Chairman and members of the committee, who is responsible? I have said from the very beginning, the responsibility for trying to solve the problem of violent drugs and their social causes is everybody's responsibility.

It is not solely the responsibility of Marion Barry or the Barry administration. It is certainly our responsibility to give leadership, offer resources, and use our law enforcement power.

But every citizen in this community is affected by this serious epidemic of what has happened to our city and our region. Therefore, it seems to me that it is everybody's responsibility to try to halt the epidemic.

We should be offering constructive suggestions, constructive ideas. This is not a war that one person can win.

Mr. Chairman, I have my prepared testimony that I will submit for the record. I will not read all of it, but let me just set part of the scene for us here.

REASONS FOR DRUG PROBLEMS IN THE DISTRICT

We have a situation where poor housing, poor educational opportunities, lack of job-related skills, loss of hope and low esteem have made many families vulnerable to the current drug scene.

Many members in those families see no way out of the intergenerational cycle of poverty, and turn to drugs often to make money. Some parents are reneging on their responsibility, and indeed encouraging the drug selling activity to fulfill their own unfulfilled hopes and dreams.

There are values in these communities that say that life is not precious. In order to prove so-called manhood you have to carry a gun and kill people for a $5 bag of crack.

I do not necessarily believe what I usually read in the newspapers, but I think if you will read yesterday's Washington Post you will find a profile of a young person that basically depicts the general attitude of this underground economic market.

The message is, kill or be killed, protect your manhood, and protect your territory. Now, that is not our value system, the kind of system that you or I approve, but that is their value system, and, therefore, we have to try to figure how are we going to change that value system.

Mr. Chairman, we are concerned about the fact that 75 percent of those who are arrested in Washington have tested positive for drug use. Ninety percent of those are cocaine related.

VIOLENCE ASSOCIATED WITH CRACK COCAINE

Also, Mr. Chairman, we have found that whenever crack cocaine is introduced into a community, for whatever reason or another, violence increases greatly. We do not understand why. Maybe this committee could begin to ask experts around the country to begin to study this problem.

When we had PCP we did not have the kind of violence we have now, or even with heroin. But whether it is Detroit, or Atlanta, or Dover, or Philadelphia, or Chicago, or Los Angeles, or wherever, whenever crack comes into a community, regardless of how vigilant you are, regardless of how creative you are, regardless of how good you are, it appears as though murder, target murders, follow this crack trading.

We do not know exactly why. I have asked my chief about it, and he does not necessarily know why. But we do know that it happens. We do know that we have got to find a way to reduce it.

We also, Mr. Chairman, know that this city is unlike any other city in America, for we are the Nation's Capital. Therefore, we should, it might be said, be held to a higher standard than others, because our Nation's Capital should be the model, the model of what is right and what is wrong, a model that works.

But words alone will not solve this problem.

BIFURCATED COURT SYSTEM IN THE DISTRICT

In terms of the structure of our government, and knowing the kind of questions you wanted to get into, you will find that we have a bifurcated system here.

Our police department arrests people, and our major felonies and our major misdemeanors are prosecuted by the U.S. attorney, Mr. Stephens, and his office. But the D.C. government has no influence over the number of cases prosecuted, over the number of people recommended for bond release, or over the number of people recommended for long sentences.

They have no influence over how resources are used in that office, what the priorities of the office are.

There is no State, county, or city in America that does not have any influence, either politically, directly or indirectly, over the prosecutor's office. All of you, or many of you, have been prosecutors, and you know that prosecution especially is one of the cornerstones of America's judicial system.

We have a pretrial service agency that recommends bond or bail to the judges, and we have no influence over it. That is done by the pretrial service agency itself.

We have outstanding judges, and very committed judges. Those judges are appointed by the President of the United States of America, which means that even though they are good judges, institutionally the D.C. government does not have much influence over the selection of those who are appointed.

You ask me, well, why is this important? This is an integral part of the criminal justice system. What we have in Washington is the arresting power, and the incarceration power, and all that is in between is not ours.

We have tried desperately for the last 7, 8, or 10 years, since I have been mayor, to get a comprehensive approach of tracking the arrest of a criminal from the time of arrest to the time of disposition.

If you were to ask me how many of those 40,000 some people who were arrested in Operation Clean Sweep are in jail I could not tell you. Not because I do not want to tell you, but because we do not have a system that is coordinated between the Metropolitan Police Department, the U.S. attorney's office, the pretrial service agency, the public defender service, and the Department of Corrections.

We need that kind of system. We are working for that kind of system. In the past, we have met great resistance from the U.S. attorney's office, which has refused to cooperate with us in this venture.

Fortunately, the U.S. attorney wants to cooperate, and has, but it is taking time to develop the system.

INCARCERATION IN THE DISTRICT

The question of incarceration has been raised. When I became Mayor, Mr. Chairman and members of the committee, in 1979, there were about 3,800 people incarcerated in our judicial system with a budget of some $57 million.

We now have, Mr. Chairman and members of the committee, in 1989, over 11,200 people incarcerated, the highest incarceration rate of any city, county, State in America. In fact, the highest incarceration of any entity in the free world, outside of South Africa. You can see that people are being incarcerated.

We have a value system among some of our people where jail is no longer a deterrent, where it is no longer a horrible place that you do not want to go. A jail is a place that some people do not mind going, even though Mr. Williams is trying to make it tough for them.

The most troubling part of our system is our juvenile justice system. In 1983, 439 juveniles were arrested for the sale or possession of drugs; in 1988, the number had risen to 1,894.

We are seeing children as young as 10 years old being used as an early warning system, who patrol on foot or bicycle for the sale of drugs.

Mr. Chairman, we have come to the point where we do not believe that arrests is the only answer.

NEED FOR REGIONAL COOPERATION IN DRUG WAR EFFORT

First of all, there needs to be regional cooperation. The Metropolitan Police Department is an integral part of the Council of Government's Police Chiefs Committee. District government representatives are active participants in the Mid-Atlantic Governors' Planning Conference on Drug and Alcohol Abuse.

We are working with Maryland, Virginia, Delaware, West Virginia, Pennsylvania, New Jersey, and New York in cooperating on interdiction of drugs and sharing intelligence.

Also, since 1978, the Metropolitan Police Department has been a member of a Federal Drug Enforcement Administration task force that conducts investigations of major drug trafficking in the Metropolitan Washington areas.

Just recently, two major drug violators were apprehended by the task force in Prince Georges County, MD.

OPERATION FIGHT BACK

Mr. Chairman, I have tried to mobilize the entire District government to fight these problems through Operation Fight Back: The Government Strategy to Combat the Drug Problem in the District of Columbia.

We have some 15 D.C. government departments involved in this: the Department of Human Services, the Board of Parole, the Department of Consumer and Regulatory Affairs, the Department of Corrections, the Department of Public and Assisted Housing, the Department of Public Works, the Department of Recreation, the Office of Personnel, the Department of Employment Services, the Fire Department, the Metropolitan Police Department, the Office of Corporation Counsel, the public school system, and the Office of Criminal Justice Plans and Analysis.

Mr. Chairman, our strategy is first of all to contain the situation. Like in any other war, you have to take a territory and stop activity. Our effort will be to contain the growth of open-air drug markets.

Now, it is important for me to say that to go out and close open-air drug markets is not as simple as walking in and locking up a local mom and pop grocery store. You have 50 or 75 or 100 or 200 people congregated in various places on public and private space, who, because of Supreme Court decisions, you cannot get them to move on, you cannot get them for loitering, and you cannot get them for disorderly conduct.

We have tried to disrupt that traffic, and disrupt that trade, by using all kinds of ingenious methods. Slowly but surely we have been able to close down a significant number of those open-air drug markets.

There are 13 blocks in this city, including Potomac Gardens, a public housing development, where 4 weeks ago there was an open-air drug market. You could find on any given night 100 to 150 people congregated in that area, where people from Maryland and Virginia were coming in large numbers and purchasing drugs.

I am happy to report to you that on Saturday I was in Potomac Gardens. We have retaken Potomac Gardens for the people in that area. Now you do not find those large numbers of people congregated in Potomac Gardens.

Walter Fauntroy was with me on Saturday, he saw the clean public housing area. Are there problems that are still there? Yes; but not the open-air drug markets. And 15th and Independence Avenue was closed, also. We also had one at Minnesota Avenue and Benning Road We closed down Eastgate where we had shootings almost every night.

Our goal is to focus all of our resources, all of our efforts, and all of our energies on containing this drug trafficking. We are trying to slowly but surely reduce the number of open-air drug markets.

But our difficulty, Mr. Chairman and members of the committee, is that as soon as you close down one, another opens up. The question is, how do you predict where it is going to open up, and how do you stop it from spreading?

We think we have the strategies to do that, too. There are certain environmental conditions that lead to open-air drug markets.

Usually there are commercial establishments around, usually there is an area where it is dark and people cannot see exactly what is going on, and usually it is in a lower income community, as opposed to middle or upper income communities.

For instance, Mr. Chairman, I live in Southeast Washington, in a moderate to low income community. Now, it is also the value system of my neighborhood, not because I am Mayor, that we do not tolerate an open-air drug market there, because we just will not do it. So that is the kind of environment the drug markets will not move to.

People whose values are different than ours, who will tolerate drug use, who will lend their apartment to drug dealers, who let their children bring in hundreds of dollars and do not ask where they got it, those are the conditions that would predict where they would go next.

If that is the case, we just can begin to try to move ahead of them. We have some very serious conditions, that we have got to move together to try to fight this fight.

ERADICATION OF DRUG PROBLEM

Then, Mr. Chairman, there is the question of eradication. How do you eradicate this scourge from our community after you contain it? Part of it is religion and education. We have a very comprehensive education program in our school system, from prekindergarten through the 12th grade. We are trying to teach young people the scourges and pains of drug use.

It is difficult. I was out in a school last week. I asked the young people there how many of them knew someone who had been killed because of drug use, and 90 percent of the young people raised their hands.

I asked them how many knew someone who used drugs, and 80 percent of them raised their hands. I asked how many knew someone selling drugs? About 80 percent raised their hands. We have a value system that tolerates drug sale and drug use in certain parts of our city. So we need to find a way to change those value systems.

LEGISLATION PASSED TO ATTACK DRUG PROBLEM

We also have introduced legislation in the Council which will give a mandatory 3 year sentence to those selling drugs, or possessing drugs, within 1,000 feet of any public, private, or parochial school. This will begin to help our school system manage the drug problem.

We also have passed a mandatory 5 year sentence for the possession of guns in Washington. Also, Mr. Chairman and members of the committee, just last year the Metropolitan Police Department confiscated over 3,000 guns. Other agencies in the drug war have confiscated another 1,000.

Four thousand guns confiscated on the streets of Washington, and 60 percent of those guns, according to Chief Turner and others familiar with this, came from Virginia and 15 percent came from Maryland. So we have to get our neighboring States to assist us in making it difficult to purchase guns.

Now, I know that they will buy them someplace else if they cannot buy them in Virginia or Maryland, but right now they come in at the rate of 60 percent. The police department, when they are arresting people with guns ask where they got the guns, and they tell them that they bring them across the Potomac. This means Virginia has to get involved to try to help us with our gun situation.

GETTING THE COMMUNITY INVOLVED

Mr. Chairman, also we have to get the community involved. We find that there are people who are afraid to speak up, who will not speak out, who will not tell us where these crack houses are, or who will tolerate those crack houses on their streets.

On the other hand, Mr. Chairman, I am encouraged, because Chief Turner and I were on a local radio station last Friday, answering people who were calling in on a special number, to give information about crack houses, about drug dealers, and other illicit activities.

I am happy to report to you that we received over 200 telephone calls from citizens. I have instructed Chief Turner for the Metropolitan Police Department to follow up on each and every one of those calls, and to investigate each and every one of those addresses.

Mr. Chairman, let me also say that we have closed down a record number of crack houses. Mr. Chairman, as an attorney, you know about the need to get a search warrant. You cannot just say that there is a crack house down the street, and, therefore, that we should go down there and just knock somebody's door down.

We have to convince a judge that there is probably cause that a crime has occurred there, and, Mr. Chairman, it is not easy, because as I told you, these drug dealers are very smart.

We try to get undercover agents to purchase drugs. They sometimes are successful, but we have to try other excuses to get in as well. But we have closed down crack houses.

Our commitment is to close them all down, but we need additional resources, additional education for everybody, and additional legislation at the local level that would give us some authority when we try to get search warrants to go in.

Also, Mr. Chairman, we have been successful in getting communities on their own to close down these houses. There is a street in Northeast where the community worked with the police, taking down every license plate of every person that comes there. They began to fight back.

Mr. Chairman, I could go on and on about what we have been trying to do, but the proof of the pudding is in the eating. Until we have closed down most of these open-air drug markets, until we have eradicated some of these drugs from our community, none of us will be very happy about the situation.

We even are hopeful—Chief Turner has testified that he does not think that additional police in and of themselves will solve the killings. These are targeted killings, where somebody decides that I am going to kill Chief Turner, and they are going to do it. The question is whether it is at 12 o'clock at night or 6 a.m. in the morning.

HIGH VISIBILITY OF POLICE

What the police will do is give us high visibility in our neighborhoods. What the police will do is give citizens a sense of hope. What the police will do is begin to stop some of the visible kinds of crime that go on in our neighborhoods.

But let me just say to the committee, this is the advice that I have gotten from experts around the country, that these killings will continue for some time, unfortunately, until we take away the cause of it, that is, the dealers of crack cocaine. Until we reduce the amount of crack cocaine, we will have these killings. It happened in Detroit, in New York, in Philadelphia, in San Antonio, and in Dallas.

I was talking to Lee Brown in Houston about the same thing.

And so what we are saying to you is we think that the time is up. We need to begin to abate this situation, but there are no quick fixes, or no magical solutions. Even those at this table, each of us who work with the D.C. government, is committed to working with the private sector, working with the business sector, working with the Congress, working with the Federal drug czar, working with anybody we can find to give us constructive advice, and give us suggestions about how we can do it.

We urge this committee to maybe go on tour just one night. We could pick a night, unannounced, just take a tour of some of these areas, so you can see first hand in Washington how it looks. You can see our successes, and see our bailiwicks.

COMMITMENT OF BARRY ADMINISTRATION IN FIGHTING DRUGS

Mr. Chairman, my prepared testimony has a lot more program substance to it, but I did not think you wanted to hear all of it at this particular time, but you all should know that this administration is committed. This mayor has given it all I can give, using every amount of my brain power, every creativity I have, using all of my staff as effectively as I can, moving in the community, talking to people, coordination with governments, closing down crack houses, closing down open-air drug markets, and trying in spite of all that is limiting us, to stop these killings.

I do not like it that Washington is called the murder capital of the world, and I do not think you like it, either. And I am hopeful that with a lot of help from you and a lot of other people we can begin to get a handle on this. We can begin to close down these open-air markets, and try to reduce the killings.

FIVE YEAR NEED FOR ADDITIONAL POLICE OFFICERS

Mr. Chairman, finally, we have presented a very detailed plan for the drug problem, and when we come to see you I am sure we will discuss the details. It is about a $150 million program that will save lives to make our Nation's Capital the model.

It is going to take dedication, and, of course, it is going to take time.

Again, I am thankful to you and to the committee members for allowing us to be here. Even though I did not go through my entire

25 pages, and you can read those, I have presented the highlights that I feel are important.

In terms of the efficiency of the government that Senator Gramm raised, he and I have had a good discussion, in which we—he likes to be a Senator, and I like to be a Mayor—he does not want to run the city but he also has oversight responsibility—I would just caution the committee, as you look at the efficiency, to recognize that a lot of the things that have happened in Washington happened before we got here. The Washington police force department in 1969 was 3,100 people, which in my view, I think is a reasonable number in a reasonable period of time, to deal with reasonable situations.

At that time, President Nixon increased it to 5,100, because at that time there were all of 300 felonies a day. In fact, there were 83,000 felonies in a year in 1971 and 1972.

I think we need additional police officers to help us abate this drug problem. But in my view, once the drug problem has abated to a reasonable level of community acceptance, we will not need the additional police any longer.

I think the 3,900 or 4,500 will provide good enough service under ordinary circumstances, and Chief Turner and I agree that that is a good number if we did not have this city drug problem.

This is why I have proposed the plan where we can have the additional officers for 5 years, and after they will, through attrition, trickle down to a reasonable number, because I believe that we need to have police officers on the streets, patrolling, visible, in uniform, as well as the necessary undercover and intelligence forces.

Our police officers are among the best trained in the Nation. They have 32 weeks of excellent training, that has been rated by national chiefs of police as one of the best in the country.

Our chief of police is one of the best in the country. And no offense to your chiefs of police in the cities where you come from, but I am sort of biased about my own.

PREPARED STATEMENT

And again, Mr. Chairman, thank you and the others for the chance to be here.

[The statement follows:]

STATEMENT OF MARION BARRY, JR.

GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE SENATE APPROPRIATIONS SUBCOMMITTEE, I WANT TO TAKE THIS OPPORTUNITY TO THANK YOU ALL FOR AGREEING TO SERVE ON THIS COMMITTEE.

MR. CHAIRMAN, I WANT TO CONGRATULATE YOU ON BEING CHAIRMAN. YOU HAVE ALWAYS BEEN A GREAT FRIEND OF THE DISTRICT OF COLUMBIA AND WE APPRECIATE YOUR CONTINUED INTEREST.

SENATOR GRAMM, I'M PLEASED THAT YOU ACCEPTED THIS COMMITTEE. GIVEN YOUR STRONG BACKGROUND IN FISCAL MATTERS, YOU WILL APPRECIATE THE FINE JOB THAT WE HAVE DONE IN BALANCING OUR BUDGETS AND KEEPING OUR FINANCES IN ORDER.

SENTATOR FOWLER, SENATOR KERREY AND SENTOR DOMENICI, I ALSO APPRECIATE YOUR ACCEPTING THIS COMMITTEE AND THE INTEREST YOU HAVE SHOWN IN THE DISTRICT OF COLUMBIA.

MR. CHAIRMAN, I AM PLEASED TO HAVE THIS OPPORTUNITY TO TESTIFY BEFORE YOU ON THE ISSUE OF CRIME AND DRUGS IN THE DISTRICT OF COLUMBIA. I AM PLEASED ALSO TO HAVE THIS OPPORTUNITY TO DISPEL SOME OF THE NOTIONS ABOUT THE DISTRICT THAT ARE NOT ONLY ERRONEOUS, BUT DO A DISTINCT DISSERVICE TO THE 620,000 RESIDENTS WHO LIVE, WORK, AND PAY TAXES IN THIS CAPITAL CITY.

LET ME SAY HERE THAT WASHINGTON, D.C., WITH THE POSSIBLE EXCEPTIONS OF YOUR HOMETOWNS, IS THE GREATEST PLACE IN THE WORLD TO LIVE, A FANTASTIC PLACE TO WORK, AND A BOOMING PLACE TO DO BUSINESS. NOT ONLY IS IT A GREAT PLACE TO LIVE, ITS A SAFE PLACE TO LIVE. NOT ONLY IS IT A FANTASTIC PLACE TO WORK, ITS A SAFE PLACE TO WORK. AND NOT ONLY IS IT A BOOMING PLACE FOR BUSINESS, IT IS A SAFE PLACE FOR BUSINESS.

THE OVERWHELMING MAJORITY OF D.C. RESIDENTS ARE NOT DIRECTLY AFFECTED BY CRIME AND DRUGS. THE ALMOST 400,000 PEOPLE WHO COME INTO THE CITY TO WORK EVERY DAY ARE NOT DIRECTLY AFFECTED BY CRIME AND DRUGS. AND THE VAST MAJORITY OF BUSINESSES LOCATED IN THE CITY ARE NOT TOUCHED BY CRIME AND DRUGS. ALL IN ALL WE HAVE A VIABLE, HEALTHY CITY THAT IS GROWING BY LEAPS AND BOUNDS AND A QUALITY OF LIFE THAT IS UNIQUE AND SATISFYING.

I DON'T MEAN TO SUGGEST THAT WE DON'T HAVE ANY PROBLEMS, WE HAVE MORE THAN OUR FAIR SHARE. AND I DON'T MEAN TO DOWNPLAY THE ISSUE THAT BRINGS US HERE TODAY.

DRUG ABUSE PRESENTLY AFFECTS EVERY ASPECT OF OUR SOCIETY. RICH AND POOR, BLACK AND WHITE, URBAN, SUBURBAN AND RURAL -- NO ONE IS IMMUNE FROM ITS DEVASTATION.

UNFORTUNATELY, THE DISTRICT OF COLUMBIA LIKE OTHER GREAT CITIES OF THIS COUNTRY HAS A SERIOUS PROBLEM, A VERY SERIOUS PROBLEM -- DRUGS; DRUG USE; DRUG TRAFFICKING; AND, DRUG-RELATED TARGETED KILLINGS. IT IS CAUSED BY THE EASY AVAILABILITY OF ILLEGAL DRUGS, PRINCIPALLY THE DRUG -- CRACK COCAINE. AND, DESPITE ONE OF THE MOST STRINGENT GUN CONTROL LAWS IN THE COUNTRY, THE EASY AVAILABILITY OF HANDGUNS AND SEMI-AUTOMATIC WEAPONS.

IT IS CAUSED, ALSO, BY DEEP SOCIAL PROBLEMS THAT CUT LIKE A BLADE THROUGH THE FABRIC OF TRADITIONAL AMERICAN LIFE AND VALUES. I'M SPEAKING OF THE DESPAIR AND HORROR OF POVERTY, UNEMPLOYMENT, HOMELESSNESS, BROKEN FAMILIES, TEENAGE PREGNANCIES, IGNORANCE AND ILLITERACY, AND, IN MANY CASES, THE COMPLETE ABSENCE OF VALUE SYSTEMS THAT HOLD A REVERENCE FOR LIFE AND A RESPECT FOR PROPERTY.

WHILE THE DISTRICT OF COLUMBIA HAS BEEN SINGULARLY AFFECTED BY DRUG VIOLENCE AND DRUG TRAFFICKING, DRUGS ARE NOT A DISTRICT OF COLUMBIA PROBLEM NOR ARE THEY A MARION BARRY PROBLEM. DRUGS ARE A GLOBAL PROBLEM, AN INTERNATIONAL PROBLEM.

THE STATE DEPARTMENT REPORTED ALMOST A YEAR AGO THAT THE PRODUCTION OF COCOA, MARIJUANA AND OPIUM-POPPY CROPS IN MOST DRUG

PRODUCING COUNTRIES HAD GROWN SUBSTANTIALLY AND THAT IT WAS BEYOND THE ABILITY OF ANY SINGLE GOVERNMENT TO CONTROL.

IN THE PAST YEAR, BURMA PRODUCED OVER 1,230 METRIC TONS OF OPIUM; PERU PRODUCED OVER 121,000 METRIC TONS OF COCOA LEAVES; COLOMBIA PRODUCED OVER 7,500 METRIC TONS OF MARIJUANA; AND LEBANON PRODUCED OVER 600 METRIC TONS OF HASHISH.

I HAVE STATED ON MORE THAN ONE OCCASION, AND I WILL REPEAT MYSELF HERE TODAY, THAT MARIJUANA, OPIUM AND COCOA, THE BASE MATERIALS FOR PCP, HEROIN AND COCAINE, ARE NOT GROWN AND HARVESTED IN THE DISTRICT. AND WHILE I'VE BEEN TOLD THAT MARIJUANA IS NOW THE LARGEST CASH CROP IN THIS COUNTRY, I AM NOT AWARE OF MASS FIELDS OF OPIUM AND COCOA IN THESE UNITED STATES.

MR. CHAIRMAN, WE ARE INVOLVED IN A WAR ON DRUGS IN THE DISTRICT OF COLUMBIA, A WORLD WAR ON DRUGS. I SAY A WORLD WAR BECAUSE THE PROBLEM IS TRULY INTERNATIONAL. BUT IN THE DISTRICT, FOR THE MOST PART, THE TARGETED KILLINGS, THE DRUG VIOLENCE AND DRUG TRAFFICKING, TAKE PLACE IN A SMALL SECTION OF THE CITY. IN COMMUNITIES WHERE THERE IS HIGH UNEMPLOYMENT, HIGH RATE OF SCHOOL DROPOUTS, SUBSTANDARD HOUSING, SINGLE-FAMILY FEMALE-HEADED HOUSEHOLDS, HOMELESSNESS AND OTHER SOCIAL ILLS THAT DRAIN THE

COMMUNITIES' VITALITY AND MAKE THEM AREAS OF DEPRIVATION IN A CITY THAT IS GENERALLY PROSPEROUS AND ECONOMICALLY HEALTHY. AND I'M SURE THAT THIS SCENARIO EXISTS IN THE OTHER CITIES THAT ARE EXPERIENCING THE SOCIAL CHAOS THAT IS ATTENDANT TO DRUG USE, DRUG ABUSE AND DRUG TRAFFICKING.

BECAUSE OF THE INCREASED LEVEL OF DRUG USE AND TRAFFICKING, THE DISTRICT OF COLUMBIA HAS, IN THE PAST YEAR, EXPERIENCED A 17% OVERALL INCREASE IN CRIME, INCLUDING A 30% INCREASE IN ASSAULTS WITH A FIREARM, A 27% INCREASE IN ROBBERIES AND A RECORD NUMBER OF HOMICIDES, 60% OF WHICH HAVE BEEN TARGETED KILLINGS RELATED TO THE SALE OF ILLEGAL DRUGS. WE THINK THAT ALL OF THESE INCREASES ARE DRIVEN BY THE DRUG -- CRACK COCAINE.

PRIOR TO 1986, MARIJUANA WAS THE DRUG OF CHOICE FOR MOST PERSONS ARRESTED ON DRUG CHARGES. IN 1986 PHENCYCLIDINE OR PCP BECAME THE DRUG OF CHOICE AND BY 1987, COCAINE AND ITS DERIVATIVE "CRACK" HAD REPLACED ALL OTHER DRUGS AS THE USER'S DRUG OF CHOICE.

EXPERTS TELL ME THAT CRACK COCAINE IS, FOR THE SELLER, A MERCHANDISER'S DREAM. IT IS EXTREMELY ADDICTIVE AND VIRTUALLY GUARANTEES A STEADY STREAM OF CUSTOMERS OR USERS. IT IS RELATIVELY INEXPENSIVE FOR THE SELLER TO OBTAIN OR MANUFACTURE.

AND THE PROFITS ARE ENORMOUS. THE DISTRICT'S PROBLEM IS DIRECTLY RELATED TO THE FACT THAT A ROCK OF CRACK COCAINE THAT COST 10 DOLLARS IN NEW YORK CITY, COST 50 DOLLARS IN THE DISTRICT OF COLUMBIA.

THE DRUG CRISIS HAS HAD A DRAMATIC IMPACT ON OUR GOVERNMENT AND THE SERVICES WE PROVIDE. OUR ALCOHOL AND DRUG ABUSE SERVICES ADMINISTRATION ESTIMATES SOME 150,000 PEOPLE HAVE SUBSTANCE ABUSE AND DEPENDENCY PROBLEMS. THIS FIGURE INCLUDES 75,000 ALCOHOLICS OR PROBLEM DRINKERS, 16,000 HEROIN ADDICTS AND 60,000 MULTIPLE-DRUG USERS. MULTIPLE-DRUG USERS ARE THOSE WHO USE COCAINE, PCP, HEROIN AND MARIJUANA IN VARIOUS COMBINATIONS.

OUR DEPARTMENT OF CORRECTIONS' INCARCERATED POPULATION HAS INCREASED BY MORE THAN 100% SINCE 1980, FUELED LARGELY BY THE INCREASE IN ARRESTS, PROSECUTIONS AND CONVICTIONS FOR DRUG RELATED CRIMES. TODAY THERE ARE MORE THAN 8,500 INMATES HOUSED IN FACILITIES IN THE DISTRICT AND AT THE LORTON CORRECTIONAL COMPLEX. THE NUMBER IN 1980 WAS 3,800. IN ADDITION, THERE ARE ABOUT 1,900 D.C. CODE VIOLATORS HOUSED IN FEDERAL FACILITIES AND 790 IN STATE AND COUNTY FACILITIES IN WASHINGTON STATE, NEVADA, VIRGINIA, TENNESSEE AND TEXAS -- A TOTAL INCARCERATED POPULATION OF 11,200.

SINCE 1980, THE DEPARTMENT OF CORRECTIONS' BUDGET HAS INCREASED BY MORE THAN 200%. TOTAL STAFF HAS INCREASED BY MORE THAN 100%. AS YOU KNOW, OUR DEPARTMENT OF CORRECTIONS IS UNIQUE. WE OPERATE A COMPLETE CORRECTIONAL SYSTEM FROM PRE-TRIAL THROUGH LONG-TERM SENTENCES UNDER A SINGLE AUTHORITY. IN MOST OTHER PARTS OF THE COUNTRY, STATES OPERATE PENITENTIARIES FOR CONVICTED FELONS WHILE COUNTY GOVERNMENTS HANDLE PRE-TRIAL AND PRE-SENTENCE DETENTION. HERE, WE DO IT ALL AND WE ARE MORE THAN DOUBLY IMPACTED BY THE DRUG CRISIS.

THE MOST TROUBLING ASPECT OF THE DRUG PROBLEM IS FOUND IN STATISTICS COMPILED BY OUR OFFICE OF CRIMINAL JUSTICE PLANS AND ANALYSIS. JUVENILE DRUG ARRESTS HAVE MUSHROOMED. IN 1983, 439 JUVENILES WERE ARRESTED FOR THE SALE OR POSSESSION OF DRUGS, IN 1988, THE NUMBER HAD RISEN TO 1,894.

WE ARE SEEING CHILDREN AS YOUNG AS 10 YEARS OLD BEING USED AS AN EARLY WARNING SYSTEM, WHO PATROL ON FOOT OR BICYCLE TO ALERT DEALERS TO THE PRESENCE OF POLICE. OUR FUTURE IS AT STAKE HERE. IF WE LOSE OUR CHILDREN, WE LOSE OUR FUTURE.

MR. CHAIRMAN, THIS IS WHAT WE HAVE BEEN UP AGAINST. AND WE HAVE BEEN WAGING THIS WAR WITH SOME VERY SEVERE CONSTRAINTS.

WE HAVE BEEN HAMPERED BY A BIFURCATED CRIMINAL JUSTICE SYSTEM. OUR FINE POLICE OFFICERS MAKE ARRESTS AND PRETRIAL DECISIONS, OVER WHICH WE HAVE NO AUTHORITY, RECOMMEND BAIL OR BOND. JUDGES, WHOM WE DO NOT APPOINT, DECIDE BAIL. MIND YOU, THOSE JUDGES DO A FANTASTIC JOB, WE JUST DON'T HAVE THE AUTHORITY TO APPOINT THEM.

THEN WE COME TO PROSECUTING THE ARRESTEES. AND LET ME SAY HERE THAT WE HAVE NO QUARREL WITH HOW MR. STEPHENS, THE U.S. ATTORNEY, HAS CONDUCTED HIS OFFICE; BUT WE HAVE NO INFLUENCE IN THAT PROCESS. AS A MATTER OF FACT, MR. CHAIRMAN, I FIND MYSELF IN A RATHER UNIQUE AND UNCOMFORTABLE POSITION. WE CAN'T TELL YOU, WITH ANY DEGREE OF CERTAINTY, THE STATUS OF ARRESTEES FROM ARREST TO FINAL DISPOSITION OF THEIR CASES.

MR. CHAIRMAN, WE HAVE A SERIOUS PROBLEM AND WE ARE SERIOUS ABOUT ADDRESSING IT. THE DISTRICT OF COLUMBIA GOVERNMENT HAS BEEN WORKING WITHIN ITS OWN BORDERS, WITH REGIONAL GOVERNMENT AND WITH FEDERAL AGENCIES TO FIGHT THE DRUG PROBLEM THROUGH LAW ENFORCEMENT.

ON A REGIONAL LEVEL, THE METROPOLITAN POLICE DEPARTMENT IS AN ACTIVE PARTICIPANT IN THE COUNCIL OF GOVERNMENTS' POLICE CHIEFS COMMITTEE. DISTRICT GOVERNMENT REPRESENTATIVES ARE ACTIVE

PARTICIPANTS IN THE MID-ATLANTIC GOVERNOR'S PLANNING CONFERENCE ON DRUGS AND ALCOHOL ABUSE. HERE THE MID-ATLANTIC STATES ARE COOPERATING ON INTERDICTION OF DRUGS AND SHARING INTELLIGENCE. THE STATES OF MARYLAND, VIRGINIA, DELAWARE, WEST VIRGINIA, PENNSYLVANIA, NEW JERSEY, NEW YORK AND THE DISTRICT ARE INVOLVED IN THIS ON-GOING PROCESS.

SINCE 1978, THE METROPOLITAN POLICE DEPARTMENT HAS BEEN A MEMBER OF A FEDERAL DRUG ENFORCEMENT ADMINISTRATION TASK FORCE THAT CONDUCTS INVESTIGATIONS OF MAJOR DRUG TRAFFICKERS IN THE METROPOLITAN WASHINGTON AREAS. JUST RECENTLY, TWO MAJOR DRUG VIOLATORS WERE APPREHENDED BY THE TASK FORCE IN PRINCE GEORGES COUNTY, MARYLAND.

IN THE DISTRICT, I HAVE TAKEN THE DRUG WAR TO A HIGHER LEVEL. I HAVE MOBILIZED THE ENTIRE DISTRICT GOVERNMENT THROUGH "OPERATION FIGHT BACK: THE GOVERNMENT STRATEGY TO COMBAT THE DRUG PROBLEM IN THE DISTRICT OF COLUMBIA." THIS COMPREHENSIVE EFFORT INVOLVED THE FOLLOWING AGENCIES: ALCOHOL AND DRUG ABUSE SERVICES ADMINISTRATION (DEPARTMENT OF HUMAN SERVICES), BOARD OF PAROLE, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS, DEPARTMENT OF CORRECTIONS, DEPARTMENT OF PUBLIC AND ASSISTED HOUSING, DEPARTMENT OF PUBLIC WORKS, DEPARTMENT OF RECREATION, OFFICE OF PERSONNEL, DEPARTMENT OF EMPLOYMENT SERVICES, FIRE DEPARTMENT, METROPOLITAN POLICE DEPARTMENT, OFFICE OF CORPORATION COUNSEL, AND THE OFFICE OF CRIMINAL JUSTICE PLANS AND ANALYSIS. OPERATION FIGHT BACK IS BASED AND ORGANIZED ON THREE PRINCIPLES:

1. THE DISTRICT ADAMANTLY OPPOSES THE USE OF ILLEGAL DRUGS AND WILL BRING ALL OF ITS RESOURCES TO DISCOURAGE ITS CITIZENS FROM USING ILLEGAL DRUGS.
2. THE DISTRICT WILL PROVIDE TIMELY TREATMENT AND REHABILITATION TO DRUG USERS WHO SEEK TO END THEIR ABUSE OF DRUGS.
3. THE DISTRICT WILL SUPPRESS THE DRUG TRADE WITHIN THE CITY AT ALL LEVELS.

THE STRATEGY INVOLVES THIRTY-SIX INITIATIVES THAT ARE GROUPED UNDER SIGNIFICANT AREAS OF RESPONSIBILITY FOR THE GOVERNMENT. THESE AREAS INCLUDE PUBLIC HOUSING, EDUCATION, EMPLOYEE CONDUCT, GOVERNMENT REGULATION, AND LEGISLATION AS THEY RELATE TO THE PRINCIPLE OF PREVENTION; THE CORRECTIONAL AND PAROLE SYSTEMS, GOVERNMENT EMPLOYEES, AND THE GENERAL PUBLIC UNDER THE PRINCIPLE OF TREATMENT; AND THE TARGETING, UNDER THE PRINCIPLE OF ENFORCEMENT, OF STREET DRUG SALES, MID-LEVEL DISTRIBUTORS AND HIGHER-LEVEL MANUFACTURERS, AS WELL AS PROPOSALS FOR LEGISLATIVE AND ADMINISTRATIVE ACTIONS. EACH PROGRAM INITIATIVE IS TRACKED

AND ITS PROGRESS MEASURED THROUGH THE EXECUTIVE MANAGEMENT REPORTING SYSTEM (EMRS) WITH THE CHIEF OF POLICE AS THE COORDINATING DISTRICT GOVERNMENT OFFICIAL.

OPERATION FIGHT BACK PHASE II INVOLVES THE COMMUNITY IN THE DISTRICT'S WAR ON DRUGS. THIS PHASE RECOGNIZES THAT THE DISTRICT OF COLUMBIA GOVERNMENT CANNOT, ALONE, STEM THE FLOOD OF ILLICIT DRUGS INTO THIS CITY OR THE SALE AND USE OF THOSE DRUGS. IN ORDER FOR OPERATION FIGHT BACK TO BE EFFECTIVE AND TO MAKE IT CLEAR THAT THIS IS A STRUGGLE TO WHICH WE ARE COMMITTING OUR GOVERNMENT AND OUR COMMUNITY, A COMPREHENSIVE PLAN FOR COMMUNITY INVOLVEMENT HAS BEEN DEVELOPED AND UTILIZED. PHASE II OF OPERATION FIGHT BACK HAS THREE OBJECTIVES:

1. TO SOLICIT FROM THE COMMUNITY WAYS IN WHICH THE GOVERNMENT AND THE COMMUNITY WORKING TOGETHER CAN ENHANCE EFFORTS TO COMBAT DRUGS.
2. TO IDENTIFY SPECIFIC ROLES VARIOUS SEGMENTS OF THE COMMUNITY CAN PLAY IN THIS EFFORT.
3. TO PROMOTE THE DEVELOPMENT OF PROGRAMS OR PROJECTS THAT WILL ENABLE THE COMMUNITY TO ADDRESS THE DRUG PROBLEM MOST EFFECTIVELY.

OPERATION FIGHT BACK PHASE II HAS A GENERAL AUDIENCE MESSAGE ON THE ONE HAND, AND, ON THE OTHER, IT HAS A MESSAGE SPECIFICALLY DIRECTED AT CHILDREN. IT IS CRITICALLY IMPORTANT FOR THE FUTURE OF THIS CITY THAT WE WIN THE WAR AGAINST DRUGS WITH OUR CHILDREN, LEST A GENERATION BE LOST TO DRUGS.

ALTHOUGH THE LIST MAY GROW AS PHASE II DEVELOPS, THE FOLLOWING GROUPS HAVE BEEN IDENTIFIED AS BEING OF CENTRAL IMPORTANCE TO THE EFFORT: THE RELIGIOUS COMMUNITY, THE SCHOOL SYSTEM, THE NEWS MEDIA, ADVISORY NEIGHBORHOOD COMMISSIONS, COMMUNITY GROUPS AND BLOCK CLUBS, THE BOARD OF TRADE, THE MAYOR'S YOUTH LEADERSHIP INSTITUTE AND OTHER YOUTH GROUPS, AND THE POLICE DISTRICT ADVISORY BOARDS.

THE DISTRICT GOVERNMENT HAS ALSO ACTIVELY STEPPED UP ITS DRUG PROGRAMS OUTSIDE OF THE CRIMINAL JUSTICE SYSTEM. IN 1986, THE DISTRICT'S EXPENDITURES FOR DRUG PREVENTION AMOUNTED TO $1,554,000. PLANNED EXPENDITURES FOR FY 1988 ARE $2,313,000, A 49% INCREASE. IN ADDITION, I HAVE LAUNCHED A NEW DELINQUENCY PREVENTION PROGRAM CALLED "INVEST IN OUR FUTURE" WHICH IS A BROAD BASED APPROACH DESIGNED TO PREVENT YOUTH FROM BECOMING INVOLVED IN THE JUVENILE JUSTICE SYSTEM. THERE ARE OTHER INNOVATIVE APPROACHES INCLUDING THE ESTABLISHMENT OF SERVICE CENTERS AT

PUBLIC HOUSING SITES WHERE SERVICES ARE PROVIDED TO INDIVIDUALS WHO ARE AT RISK OF SUBSTANCE ABUSE. THE PROGRAM USES A DOOR-TO-DOOR APPROACH TO INFORM PERSONS ABOUT AVAILABLE HEALTH-SUBSTANCE ABUSE SERVICES.

THE DISTRICT'S DRUG TREATMENT PROGRAMS HAVE ALSO GROWN DRAMATICALLY. IN FY 1986, EXPENDITURES AMOUNTED TO $10,429,000. IN FY 1989, THE DISTRICT PLANS TO SPEND $19,255,000, AN 84% INCREASE. THIS YEAR, 250 ADDITIONAL TREATMENT SLOTS WILL OPEN AND HELP ALLEVIATE SOME OF THE BACKLOG IN OUR DRUG TREATMENT SYSTEM.

THE D.C. PUBLIC SCHOOLS RECEIVED APPROXIMATELY $500,000 UNDER THE ANTI-DRUG ACT. THE FUNDS HAVE BEEN UTILIZED TO ESTABLISH A SUBSTANCE ABUSE OFFICE IN THE D.C. PUBLIC SCHOOLS. THIS OFFICE SERVES AS AN INFORMATION AND RESOURCE CENTER. THE OFFICE ALSO PROVIDES STAFF DEVELOPMENT TRAINING FOR SCHOOL PERSONNEL, AWARENESS TRAINING FOR SCHOOL PERSONNEL, STUDENTS, AND PARENTS, AND PROVIDES SUBSTANCE ABUSE EDUCATIONAL MATERIAL FOR STUDENTS AND PARENTS.

THE DISTRICT GOVERNMENT MAINTAINS AN EMPLOYEE ASSISTANCE PROGRAM (EAP) AS A SOURCE OF TREATMENT REFERRALS. THE PROGRAM REFERS DISTRICT EMPLOYEES WITH SUBSTANCE ABUSE PROBLEMS TO TREATMENT.

THE EMPLOYEE ASSISTANCE PROGRAM IN THE DISTRICT WAS LOCATED IN THE DEPARTMENT OF HUMAN SERVICES, BUT HAS BEEN TRANSFERRED TO THE OFFICE OF PERSONNEL.

THE ALCOHOL DRUG ABUSE SERVICES ADMINISTRATION (ADASA) PROVIDES PRIMARY AND COMMUNITY BASED SUBSTANCE ABUSE PREVENTION PROGRAMS. ADASA AND THE D.C. PUBLIC SCHOOLS WORK TOGETHER IN PROVIDING PRIMARY SUBSTANCE ABUSE PREVENTION PROGRAMS. THESE PROGRAMS EDUCATE STUDENTS ABOUT SUBSTANCE ABUSE AND ITS EFFECTS, AND PROVIDE STUDENTS WITH INFORMATION PERTAINING TO ALCOHOL AND DRUG ABUSE USE. THE SUBSTANCE ABUSE MOBILE UNIT VISITS SCHOOLS THROUGHOUT THE DISTRICT TO SPEAK TO STUDENTS ABOUT THE DANGERS OF SUBSTANCE ABUSE AND WHAT STUDENTS CAN DO TO COMBAT DRUG USE IN THEIR SCHOOLS. PEER COUNSELING IS ANOTHER PREVENTION PROGRAM OPERATING IN THE D.C. PUBLIC SCHOOLS. THIS PROGRAM USES STUDENTS SUCH AS ATHLETES TO SERVE AS ROLE MODELS FOR OTHER STUDENTS AND TO PROVIDE SUPPORT AND INFORMATION TO OTHER STUDENTS CONCERNING SUBSTANCE ABUSE.

THE METROPOLITAN POLICE DEPARTMENT HAS IMPLEMENTED SEVERAL INITIATIVES THAT ARE AIMED AT THE ILLEGAL DRUG MARKET. THESE LAW ENFORCEMENT INITIATIVES ARE DISCUSSED IN DETAIL IN THE PACKET OF

MATERIALS THAT HAVE BEEN PROVIDED TO YOUR SUBCOMMITTEE. THESE INITIATIVES INCLUDE:

° OPERATION CLEAN SWEEP, A COMPREHENSIVE PROGRAM THAT CONCENTRATES PRIMARILY ON DISCOURAGING DRUG BUYERS BY ELIMINATING THE "DEMAND SIDE" OF DRUG SALES. SINCE AUGUST, 1987, THIS PROGRAM HAS RESULTED IN 46,407 ARRESTS, OF WHICH 27,164 WERE DRUG RELATED. THE PROGRAM HAS ALSO RESULTED IN THE CONFISCATION OF OVER 1,300 FIREARMS, SEIZURE OF 469 VEHICLES, AND THE RECOVERY OF MORE THAN 2.3 MILLION DOLLARS IN SUSPECTED PROCEEDS.

° A FINANCIAL INVESTIGATION UNIT THAT IDENTIFIES AND SEIZES ASSETS ACCUMULATED BY THOSE PERSONS WHO ARE INVOLVED IN THE

THE DISTRIBUTION AND SALE OF ILLEGAL DRUGS. THIS UNIT COOPERATES WITH OTHER DISTRICT AND FEDERAL AGENCIES FROM THE TIME AN INVESTIGATION IS INITIATED THROUGH THE FINAL CIVIL OR JUDICIAL FORFEITURE PROCEEDING. TO DATE, THE VALUE OF THE PROPERTY SEIZED IS IN EXCESS OF 6.2 MILLION DOLLARS.

° A DRUG INTERDICTION UNIT THAT MONITORS TRAINS AND BUSES IN AN EFFORT TO IDENTIFY INDIVIDUALS WHO SMUGGLE NARCOTICS

INTO THE DISTRICT OF COLUMBIA FROM OTHER SOURCE CITIES SUCH AS MIAMI AND NEW YORK. SINCE OCTOBER, 1987, THIS UNIT HAS ARRESTED OVER 220 PERSONS, SEIZED 240 POUNDS OF COCAINE, 252 POUNDS OF CANNABIS, ONE OUNCE OF LIQUID PCP, AND ONE OUNCE OF HASHISH OIL. THE STREET VALUE OF THESE SEIZED DRUGS IS IN EXCESS OF 17 MILLION DOLLARS.

° A PROGRAM TO ASSIGN ADMINISTRATIVE STAFF TO WORK IN THE FIELD ONE DAY A WEEK AND POLICE RECRUITS TWO DAYS A WEEK. THESE OFFICERS, COMBINED WITH AN INCREASED WORK WEEK FOR OFFICERS ASSIGNED TO OUR PATROL DISTRICTS, HAS RESULTED IN AN AVERAGE OF 340 MORE OFFICERS PER DAY BEING ASSIGNED TO WORK IN THOSE AREAS OF THE CITY EXPERIENCING THE MOST SEVERE PROBLEMS.

AS I STATED EARLIER, MR. CHAIRMAN, I HAVE MOBILIZED THE ENTIRE GOVERNMENT. THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS AND THE METROPOLITAN POLICE DEPARTMENT ARE COOPERATING ON CLOSING "CRACK" HOUSES BY CITING HOUSING CODE VIOLATIONS. THE DEPARTMENT OF PUBLIC AND ASSISTED HOUSING AND MPD ARE FORCING EVICTIONS OF DRUG TRAFFICKERS FROM PUBLIC HOUSING, ALTHOUGH HERE AGAIN WE ARE LIMITED BY INITIATIVE 17 WHICH REQUIRES THE D.C. GOVERNMENT TO

PROVIDE SHELTER TO THE HOMELESS. WE ARE FORMULATING SOME AMENDMENTS TO THIS LAW TO ADDRESS THAT LIMITATION.

I HAVE A LEGISLATIVE PACKAGE THAT DEALS WITH DIFFERENT ASPECTS OF THE DRUG PROBLEM.

MAYOR'S DRUG BILLS --

1. "LAW ENFORCEMENT EMERGENCY AMENDMENT ACT" - THIS BILL, WHICH HAS BEEN ENACTED BY COUNCIL AND SIGNED INTO LAW BY MAYOR, INCREASES PROBABILITY OF PRE-TRIAL DETENTION FOR USE OF A FIREARM IN COMMISSION OF A CRIME OF VIOLENCE AND IMPOSES A MANDATORY MINIMUM SENTENCE OF 5 YEARS FOR COMMISSION OF A VIOLENT CRIME WITH A FIREARM.
2. "GENERAL LICENSE AMENDMENT ACT OF 1989" - A BILL TO AUTHORIZE THE MAYOR TO REVOKE THE BUSINESS LICENSE FOR ANY BUSINESS THAT KNOWS OR HAS REASON TO KNOW THAT ILLICIT DRUG ACTIVITY IS TAKING PLACE ON THE PREMISES.
3. "SCHOOL SAFETY ZONE EMERGECY ACT" - ESTABLISHES A MANDATORY MINIMUM SENTENCE OF 3 YEARS FOR 1ST OFFENSE, AND 6 YEARS FOR 2ND OFFENSE OF SELLING DRUGS ON OR WITHIN 1000 FEET OF A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL.
4. "ANTI-DRUG ABUSE EMERGENCY AMENDMENT ACT OF 1989" - A BILL TO REDEFINE COCAINE AS A NARCOTIC DRUG. D.C. LAW 4-29 (THE D.C.

UNIFORM CONTROLLED SUBSTANCES AMENDMENT ACT OF 1986) DEFINED COCAINE AS AN "ABUSIVE DRUG" INSTEAD OF A NARCOTIC DRUG. BY REDEFINING COCAINE AS A NARCOTIC DRUG, THE CRIMINAL PENALTIES FOR MANUFACTURING, DISTRIBUTING OR PROSSESSING WITH INTENT TO MANUFACTURE OR DISTRIBUTE ARE INCREASED FROM A MANDATORY MINIMUM SENTENCE OF 20 MONTHS TO 4 YEARS, FROM A MAXIMUM OF 5 YEARS TO 15 YEARS, AND FROM A MAXIMUM FINE OF $50,000 TO $200,000. THIS BILL WILL ALSO BRING D.C. LAW REGARDING DEFINITION OF COCAINE AS A NARCOTIC INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES LAW.

MR. CHAIRMAN, THE PROBLEM OF DRUGS IS CLEARLY A NATIONAL PROBLEM. I BELIEVE THAT WITH MR. WILLIAM BENNETT, THE FEDERAL GOVERNMENT WILL TAKE A MORE ACTIVE AND AGGRESSIVE ROLE IN THIS FIGHT. I WELCOME HIS DESIGNATION OF WASHINGTON, D.C., AND INDEED THE ENTIRE METROPOLITAN REGION, AS A PRIORITY AREA. AND I WELCOME ALL THE ASSISTANCE THAT COMES WITH THAT DESIGNATION. WE HAVE, JUST OVER THE WEEKEND, SUBMITTED A COMPREHENSIVE PLAN TO MR. BENNETT THAT INCLUDES SOME INNOVATIVE IDEAS AND SOME $150 MILLION IN ADDITIONAL RESOURCES.

LET ME TELL YOU SOME THOUGHTS I HAVE. IN THE DISTRICT OF COLUMBIA WE NEED A SPECIAL COURT TO HANDLE DRUG AND VIOLENT CRIME OFFENSES

THAT WOULD OPERATE EXTENDED HOURS AND DAYS TO ENSURE THAT CHARGES ARE HANDLED QUICKLY AND THAT DRUG OFFENDERS RECEIVE SWIFT AND CERTAIN PUNISHMENT. THE ESTABLISHMENT OF A DRUG AND VIOLENT CRIME COURT WOULD REQUIRE THE APPOINTMENT OF ADDITIONAL JUDGES, ADDITIONAL ASSISTANT UNITED STATES ATTORNEYS AND A COMPLEMENT OF APPROPRIATE COURT PERSONNEL. I ALSO BELIEVE THAT OUR PRESENT COURTS SHOULD OPERATE SIXTEEN HOURS A DAY, SEVEN DAYS A WEEK -- SATURDAYS AND SUNDAYS. THE DRUG DEALERS DON'T TAKE WEEKENDS OFF AND NEITHER SHOULD WE.

ONE OF THE MAIN INHIBITERS IN THE FIGHT AGAINST DRUGS HAS BEEN THE DELAY IN PROSECUTION OF OFFENDERS AFTER LARGE NUMBERS OF DRUG ARRESTS ARE MADE. I BELIEVE THAT A SPEEDY TRIAL IS ONE OF THE WAYS IN WHICH GOVERNMENT CAN DEMONSTRATE ITS COMMITMENT TO CARRYING OUT ITS MANDATE FOR CRIMINAL JUSTICE.

WE ARE MOVING FORWARD WITH THE CORRECTIONAL TREATMENT FACILITY AT A SITE IN SOUTHEAST WASHINGTON. YOU WILL REMEMBER THAT THIS FACILITY IS FUNDED THROUGH A $50 MILLION SPECIAL APPROPRIATION. AND WE EXPECT TO BEGIN A STUDY OF THE FEASIBILITY OF BUILDING A NEW JAIL IN JUDICIARY SQUARE AND RETROFITTING THE CURRENT JAIL TO A SENTENCING FACILITY.

IN THE MEANTIME, WE NEED ADDITIONAL SPACE IN THE FEDERAL PRISON SYSTEM MADE AVAILABLE FOR DISTRICT ARRESTEES. THE SHORTAGE OF PRISON SPACE HAS A DIRECT IMPACT ON THE ABILITY OF THE DEPARTMENT TO OPERATE EFFICIENTLY, AND CHRONIC OVERCROWDING CREATES A VICIOUS LEGAL CYCLE BECAUSE IT LEADS TO MORE COMPLAINTS ABOUT CONDITIONS OF CONFINEMENTS, MORE CIVIL ACTIONS, AND MORE COURT ORDERS.

WITH REGARDS TO LAW ENFORCEMENT, WE MUST DO EVERYTHING WE CAN TO STOP THE KILLINGS. WE MUST DO MORE TO REDUCE DRUG-INDUCED VIOLENCE. GOOD POLICE WORK IS ONE OF OUR WEAPONS.

OUR POLICE DEPARTMENT HAS THE HIGHEST ARREST RATE PER 100,000 POPULATION IN THE NATION AND I AM NOT CONVINCED THAT MORE POLICE OFFICERS IS THE ANSWER TO OUR PROBLEM. EVEN SO WE ARE ADDING 300 MORE POLICE OFFICERS AND ASSIGNING A GREATER NUMBER OF UNIFORMED OFFICERS TO PATROL DUTIES AS OPPOSED TO ADMINISTRATIVE TASKS.

MOREOVER, WHILE CONSIDERABLE ATTENTION HAS BEEN FOCUSED ON DRUG-RELATED TARGETED KILLINGS, THE DISTRICT OF COLUMBIA, WHEN COMPARED WITH OTHER URBAN CENTERS, CONTINUES TO RANK WELL BELOW SUCH CITIES AS MIAMI, NEW ORLEANS, DALLAS AND DETROIT IN TOTAL CRIME. IN FACT, THE CRIME RATE FOR ATLANTA AND MIAMI IS NEARLY TWICE THAT REPORTED FOR THE DISTRICT.

SO, MR. CHAIRMAN, WE HOPE THAT YOU CAN SEE THAT WE HAVE, SINCE 1986, BEEN ON A CONCERTED COURSE TO COMBAT THE DRUG PROBLEM. AND WE HAVE TAKEN A BALANCED APPROACH. ONE OF LAW ENFORCEMENT, ONE OF TREATMENT FOR ABUSERS, AND ONE OF PREVENTION AND COMMUNITY INVOLVEMENT. OUR OUTREACH PROGRAM IS IN FULL SWING. SOME PEOPLE HAVE COMMENTED THAT IT SEEMS AS IF I'M CAMPAIGNING. I AM. BUT NOT FOR MARION BARRY, I'M CAMPAIGNING AGAINST DRUGS.

MR. CHAIRMAN, I WISH TO THANK YOU AND THE SUBCOMMITTEE FOR PROVIDING ME WITH THIS OPPORTUNITY TO SPEAK BEFORE YOU TODAY AND I WANT TO REITERATE THAT THE DISTRICT OF COLUMBIA IS A SAFE PLACE TO LIVE, TO WORK, TO DO BUSINESS. AND JUDGING FROM HEAVY TRAFFIC DOWNTOWN AND THE HORDES OF TOURISTS, ITS ALSO A SAFE PLACE TO VISIT.

TO MAKE IT EVEN BETTER, I WELCOME ANY SUGGESTIONS AND ASSISTANCE THIS COMMITTEE MIGHT PROVIDE. ANY SUGGESTIONS OR ASSISTANCE THIS CONGRESS MIGHT PROVIDE. I'M ASKING FOR YOUR ASSISTANCE, YOUR THOUGHTS, YOUR IDEAS. I WANT YOU TO TALK TO US AS OPPOSED TO ABOUT US. WE ARE ALL IN THIS TOGETHER. WE'RE FIGHTING AN ENEMY THAT IS OLD AND YOUNG AT THE SAME TIME. WE'RE FIGHTING A WAR THAT'S NEVER BEEN FOUGHT BEFORE.

FINALLY, THERE IS A DIFFERENCE BETWEEN WAGING A WAR AND WINNING A WAR. WHILE WE HAVE NOT YET WON, I SUBMIT TO YOU GENTLEMEN THAT THE BATTLE HAS BEEN JOINED AND YOU CAN REST ASSURED THAT WE ARE FIGHTING WITH CONVICTION, VIGOR AND TENACITY.

I THANK YOU FOR YOUR ATTENTION AND YOUR INDULGENCE, AND I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

OPENING REMARKS OF CHIEF MAURICE TURNER, METROPOLITAN POLICE DEPARTMENT

Senator **Adams**. Thank you very much, Mr. Mayor.

In order that we may hear the whole panel before questioning, and since you left on the note police department and its activities, the potential for additional officers and how they would be used, I would like to now call on Chief Turner for his comments and statement, and Mr. Mayor, if you or any other member of the panel has additional material that you wish to submit in written form, without objection your written material will also be included in the record at this point.

Chief Turner?

Chief **Turner**. Thank you, Mr. Chairman and other members of the committee.

I do not have a prepared text, but I would like to make some points.

Mr. Chairman, I am a member of the International Association of Chiefs of Police, and I am a member of an umbrella organization within that group which is known as the Major Cities Chiefs of Police. We meet twice a year to discuss the temporary problems that are occurring in our specific cities, and we last met in Portland in October 1988.

There were 45 major city chiefs of police there, 3 from Canada and the other 42 representing the United States. As we went around that room to discuss what was contemporary and what was occurring in those cities, the No. 1 problem in the major cities in this country was cocaine crack.

Now, cocaine crack was in other major cities prior to coming to the District of Columbia, I believe, oh, back in 1984 and 1985. New York and other big cities began to complain about what was driving their crime, what was driving the underworld in their cities, and it was cocaine crack.

At that time the No. 1 problem in the District of Columbia was PCP. In fact, it became the drug of choice, and remained the drug of choice until June and July 1987.

We did not have the problems that are associated with cocaine crack. In fact, in 1985, we had 148 homicides that occurred in the city, which is an all-time low. We had a decreasing crime rate for 4 straight years until June 1987, when cocaine crack invaded the District of Columbia.

After that invasion, we began to see the seizures of cocaine crack. Of the people going through superior court who were taking a urinalysis to qualify for pretrial release, 75 percent were testing positive for drugs, and 95 of that 75 percent was for cocaine crack, or cocaine crack and another drug—heroin, alcohol, or some of the amphetamines—along with the cocaine.

Since June and July 1987, we have had a lot of police officers shot. Before that we never had that type of activity directed at members of our police department.

In fact, so much so that, because of the weapons that we were taking off the streets, we upgraded our weapons. We went from a .38 to a 9 millimeter, and we are in the process right now of arming our police officers with 9 millimeter semiautomatic weapons.

As the Mayor has indicated, in the homicides that are occurring in this city, the greatest population are the people who sell, who use, who abuse, or who do drugs, who fail to pay drug bills, or who are late paying drug bills.

I was out with a member of Mr. Bennett's staff three Saturdays ago, and we were riding in parts of the Southeast section of the city, and we responded to a call for an ambulance for a young man who was very seriously stabbed—in fact it was a life-threatening stab wound to the back.

His brother was there on the scene and I asked his brother why was his brother stabbed, and he said there was a hit out for him, and I said, a hit for what? And he said there was a hit out because he failed to pay a $3 drug bill.

And those are some of the things that we are encountering all over this city on a daily basis. And again, the affected population is those people who use and abuse drugs.

Part of these killings, about 80 percent of which are drug related, and the others are domestic disputes, or sometimes holdups, are attempts to get money.

But then again, I feel they are drug related, too, because people are attempting to get money to support their drug abuse problems. It is a scourge that continues in this city.

Among the topics that were addressed earlier, the District's department in its 911 communications center last year received 1,600,000 calls for service. That was 1,600,000 people calling to request police to respond to their location for some type of assistance.

The telephone receipt personnel at the communications center screen those calls down, and the police were dispatched approximately 780,000 time last year. But it is very difficult in the department to be driven by the calls for service, and then on the other end to be driven by the drug problem, and the open-air markets that we have in the city.

I just wanted to say that for the record.

Again, the average age for the individuals who are homicide victims is 30 years of age. The average age of the persons who are being arrested is around 24 or 25 years of age, so it is mainly people in that age category, 23 to 31 years of age, victims and the criminals.

CLOSURE RATE OF NARCOTIC HOMICIDES

I want to say something about the closure rate in this city. If you will take a look at the narcotic homicides, in certain areas there are very low closure rates. In fact, our closure rates are favorable when compared to other cities with chronic drug problems. We have a higher closure rate than most major cities along those lines.

Senator **ADAMS**. What is that closure rate?

Chief **TURNER**. It is right around 50 percent. Fifty percent, yes, sir.

LACK OF WITNESSES IN NARCOTIC CASES

Senator **ADAMS**. Fifty percent. All right, thank you.

Mayor **BARRY**. One of the things here is, we are learning how to deal with the problem that we find in these drug related killings—we cannot find witnesses. People will not talk.

I was out in the community about 3 months ago, and the police had cornered a guy. He had been searched, and he broke away and ran up the street and out of sight. He sort of knew the area.

The bottom line of the story is the police looked for the guy for about 45 minutes. They looked in the apartment buildings, and in the empty buildings. There were about 25 people who saw the guy. The police were about to leave, and one lady on the corner asked one of the police officers to come over for a minute.

She said, "Officer, that man is in that dumpster." The police officer said, "We looked in the dumpster," and she said, "That man is in that dumpster."

So the police officers got the dogs and they got into that dumpster, and the bottom line was, deep down in the bottom of the dumpster they found the man.

The moral of the story is not that the man was in the dumpster, but that 24 other people saw that man go in that dumpster, but there was only one brave lady who said that the man was in the dumpster.

And so when we have these killings, there are people who see them, people who know about it but who will not tell a soul about it. The homicide detectives come up and they cannot talk to people, they do not have any leads, nobody will talk about it, and it is very difficult to get any information.

But those are the concerns we are dealing with.

Chief **TURNER**. Mr. Chairman, could I present one point before we go on to——

COCAINE-RELATED DEATHS

Senator **ADAMS**. Excuse me, Chief Turner, I did not mean to interrupt there, I just simply had not heard the closure rate. But please continue, and then we will go to Mr. Williams.

Chief **Turner**. I just wanted to add two other points. Of the people who are killed in this city, the toxicology reports reveal that 60 percent have cocaine in their systems. Sixty percent.

Fifty percent are found with drugs on their persons, and on a few occasions we have found people with guns. Most of the times there are reports that a gun was there, but somebody who was present on the scene had taken the gun before the police arrived.

STRESS OF POLICE OFFICERS

The men and women of the Metropolitan Police Department do one tremendous job of providing public safety. But I got a call yesterday in my office from a sergeant who works the midnight tour of duty, and he works in the first district. He has been involved in three shootouts in about a 6-month period.

He had indicated to me that he was stressed, and wanted to relate to me a fear that he had. He took 2 weeks' leave. I am going to see that he gets immediately trained for the 9 millimeter so that he can have some type of parity with the bad guys out there.

He said that as they were transporting a major narcotics drug dealer that was involved in a shootout to D.C. General Hospital for treatment, the drug dealer told a young female police officer, "You don't have capital punishment in the District of Columbia, and when I get out of here, I'm going to kill me some police officers, and I know I'm not going to die for it."

I thought that was a very strong message for the Metropolitan Police Department in asking for help.

Senator **Adams**. Thank you for your statement, Chief Turner.

Mr. Williams, if you will give your official title at the Department of Corrections, and then we will go to questions by members of the committee.

OPENING REMARKS OF HALLEM WILLIAMS, DIRECTOR, DEPARTMENT OF CORRECTIONS

Mr. **Williams**. Thank you very much, Mr. Chairman.

I am the Director of the D.C. Department of Corrections.

Mr. Chairman and members of the committee, obviously the Department of Corrections is at the back of the chain, and some people have described it as the last domino in the chain.

And certainly it is a fact that the drug crisis in this city has had, and continues to have, a devastating impact on the D.C. Department of Corrections. The incarceration population has increased by more than 100 percent since 1980. This is fueled largely by an increase in arrests, prosecutions, and convictions for drug-related crime.

Today as we speak, at least as of 4 o'clock this morning, there were 8,543 persons housed in facilities operated by the District of Columbia, at Lorton and within the District of Columbia. This is compared with 3,800 incarcerated in 1980.

In addition to these individuals, as the Mayor has testified earlier, there are about 1,900 D.C. Code violators housed in Federal institutions, 844 individuals housed in various State and county facilities in Texas, Nevada, Virginia, Tennessee, and elsewhere around the country, which gives us a total population in excess of 11,200.

During the calendar year 1983, we saw that 43 percent of all the persons committed to the Department of Corrections were committed for drug offenses. These are directly attributable to drug offenses.

Our statistics, however, are misleading. It is our assertion that in excess of 80 percent of all offenders who are housed in our institutions are there as a direct or indirect result of substance abuse, and this is fairly consistent with what we have found around the country.

I would like to say, Mr. Chairman and members of the committee, that this committee has been indeed extremely supportive of the D.C. Department of Corrections' efforts, of the Department of Corrections' philosophy and the Mayor's philosophy of being tough, but as well, giving people an opportunity to change.

I wish to acknowledge the presence of Senator Specter, and acknowledge the fact that between 1984 and 1987, under his leadership, there was a major infusion of money to facilitate expansion of our educational and vocational efforts, our drug treatment efforts within the institution, and our drug counseling efforts within the institution.

STATUS OF CORRECTIONAL TREATMENT FACILITY

As well, at his behest, there was a $50 million appropriation, beginning with fiscal year 1986, for the construction of an 800-bed correctional treatment facility.

Senator **Specter**. What ever happened to that?

Mr. **Williams**. Well, I would certainly, if you wish, Senator, indicate to you that as of July 1986, the language in the appropriations act provided that the city would have to enter into a design-and-build contract for this correctional facility by October 15, 1986, or the moneys would lapse and the appropriation responsibility would rest solely with the city.

In fact, on October 15, 1986, the city did enter into a design-build contract for this 800-bed facility. Two phases were involved. The first phase was the design phase and the programming phase.

There have been several delays associated with this project, unfortunately. One of which was that in September 1987, the Congress put a hold on the project while alternative sites were reevaluated.

And so between September 1987 and May 1988, the General Accounting Office revisited the issue with respect to the site for this facility.

In addition to this particular delay, there have been several others, not the least of which has been the community and some local political opposition to the siting of this facility, and the fact that its 10.5 acres is adjacent to the Congressional Cemetery, which is on the National Register of Historic Places.

In fact, in the middle of the construction site is the Gallinger's Hospital, which was constructed in about 1921.

The citizens and the Congressional Cemetery Association sought to have this particular site, the site on which we were proposing to build this facility, declared historically significant.

In fact, the most recent of the delays occurred on March 1, when the U.S. district court granted an injunction enjoining the city from demolishing the existing structure while the matter of section 106 reviews under the National Historic Preservation Act were gone through.

We do not think that this is a Federal project. The District of Columbia and the U.S. Justice Department argued in court, that this is a local project which is being facilitated with a congressional special appropriation. The judge was not persuaded at the trial level.

The issue is being taken up for oral argument in the U.S. court of appeals as of May 18.

The answer to your question, Senator, though, is that we are enjoined from moving forward on the project until such time as the legal process is completed. This is at great cost, both in terms of the needed capacity, delay claims associated with not moving forward on the project, and it is indeed regrettable. As one who is attempting to operate this department, this is causing me considerable problems.

Mayor **Barry**. Also, Senator Specter and the committee, we are not waiting on just the 800-bed facility to meet our needs. We have tried a number of approaches, including an 800-bed facility at Lorton, which we requested in our capital budget. It was for $45 million in the fiscal year 1988 supplemental.

Unfortunately, because of the opposition of the local officials and that of Congressman Parris, the Congressman and others do not want building at Lorton, so we have been desperately trying to find building space. We have talked to officials in West Virginia and some private developers about constructing facilities there. So if there is a lack of prison space it is not because we are not trying to do anything.

We have struck out. So now we are contacting all around the country to get Washington some 900 prison beds. That is not the ideal situation, but that is what we are at least doing to see that criminals that are committing crimes are not going to be let out because of a lack of space.

I am just as frustrated about this as you were when you were trying to get it done. I have done as much as I have been able to do, even during the election year of 1986.

Mr. **Williams**. Mr. Chairman, just one final point, and I know the committee wishes to get to specific questions relative to this issue.

TEN-YEAR MASTER PLAN FOR CORRECTIONS DEPARTMENT

I do want to follow up on the Mayor's comment to say that under his direction a 10-year master plan for capital needs has been prepared by the Department of Corrections which projects the population needs, the prison bed needs, that will exist between now and 1998.

We have that plan. We do know, as an example, that we need to retrofit existing facilities because we have a woefully inadequate physical plant at Lorton.

So our plans call for construction of more facilities within the District of Columbia, retrofitting of existing institutions at Lorton, and some significant expansion at the Lorton facilities in order to keep pace with what we know to be the trends with respect to intake at the Department of Corrections.

I have said often that we cannot do this with smoke and mirrors, and that in fact, vigilance on the front end of the system demands a capacity on the back end of the system. Given the competency in policy, and given what we know to be as some of the legislative reforms to come into being, we are going to need additional physical space, we are going to need additional cooperation between us and the Federal Government, and we are going to need to continue to use the interstate compact for corrections to appropriately use the resources which exist in our sister States.

Thank you.

ADDITIONAL POLICE MAKING THE CITY SAFER

Senator **Adams**. Thank you very much, Mr. Williams.

We will limit our questions. We will do a first round of 10 minutes each, and then possibly one more, because I know each member wishes to question.

I want to start first, Mr. Mayor, with this question.

Do you believe additional police would make the city any safer today?

Mayor **Barry**. Obviously the answer to that, Mr. Chairman, is yes. In the context of the definition of safety, the FBI has a statistical analysis of cities all over the country, and we are 16th out of 31, in terms of the safeness of the city.

What makes Washington unique with respect to this problem are the killings, and the associated violence that goes with it. Certainly I believe that additional police officers would give us additional tools and high visibility and also it will deter some crimes.

On the other hand, I do not want the committee to leave with the impression that we believe that the additional police officers will, in themselves, reduce these crimes.

ASSISTANCE FROM THE NATIONAL GUARD

Senator **Adams**. Chief Turner, you requested—I notice that 12 States had requested assistance from the Department of Defense for the National Guard to assist both with surveillance and I do not know whether you have requested personnel to, in effect, hold some of these areas once they clear them.

Have you requested that assistance, and has it been given to you by the Department of Defense, as the other States have received it?

Chief **Turner**. Yes, Mr. Chairman; I have entered into an agreement. We have updated a prior memorandum of understanding between that department and myself. That understanding says that they will assist with equipment for surveillance, helicopters, use of some of their night vision, but no personnel will be used.

We did not request additional Army personnel from the National Guard, but we did request assistance and entered into an agreement. It is my understanding that the memorandum of understanding has been reviewed by the Department of Defense and approved, and now it awaits the final approval of the Justice Department.

NUMBER OF NEW POLICE OFFICERS NEEDED

Senator **ADAMS**. Chief Turner, and then, Mr. Mayor, you both have indicated that your first problem is containment, and all of us who have been involved in law enforcement know that you have got to clear the streets, and you have got to clear the particular areas where visible crime is going on, because your witnesses will be frightened and the activity will continue.

Do you believe that we should have, one, more officers, and I would like to know how many, and cost, and you can submit that to the record, if you need it, or assign personnel who are native to the D.C. area from the National Guard, and we did in 1968, to provide presence once you clear an area, so that the area will remain clear so that you can move on to the next one?

Chief **TURNER**. I will submit the cost data for the record, as you requested, on this, but yes, we do need more personnel.

Senator **ADAMS**. Do you have a number in mind?

Chief **TURNER**. I have a figure of 700. I think 700 would give us the flexibility of adding 60 officers a day to each police district, and that takes into consideration days off and so forth.

I think that flexibility would give the commanding officers of the police districts the ability, the resources, and the manpower to attack open-air markets. Open-air markets are a scourge——

Senator **ADAMS**. And maintain a presence after you have once cleared them. Because you have testified, and I agree with it from past experience and just knowledge of it, that if you have not maintained an on-the-street presence, it will immediately shift.

Those people will go to another area and it will be open again if you are not there.

Chief **TURNER**. Yes; but that 60 men would give us the ability to maintain, and to have contingency plans when those open-air markets move. We think we can fight open-air markets with 700 additional police officers.

Senator **ADAMS**. All right, my time is beginning to expire. We will have some more questions, but I have a question for Mr. Williams.

I am appalled by what has happened to Senator Specter's initiatives, both money and the expansion of correction facilities.

I happen to know, Mr. Mayor, that you have placed prisoners in Spokane, WA. They have now been moved from there because they did not get along.

Now, I am not saying that that should not continue, that you use this to——

Senator Gramm says send them to Texas and they will get along.

Chief **TURNER**. We have some down there.

LORTON GUARDS SELLING DRUGS

Senator **Adams**. What I would like to ask, Mr. Williams, in the few minutes that I have left, is I have been told that guards at the Lorton complex have been arrested for selling drugs in the District of Columbia.

How do you respond to that?

Mr. **Williams**. Well, I would respond, Senator, by saying that in every barrel there are some bad apples. I would say that is the distinct, very distinct, minority.

As a matter of fact, there is an interjurisdictional interdiction effort, and we have been participating in it with the U.S. attorney for the eastern district of Virginia, the FBI, and the U.S. Marshall's Service, and the like.

As a matter of fact, Thursday before last there was a shakedown of all incoming staff on a shift at all of the institutions, simultaneously—my deputy and I were the only ones with prior knowledge that that was going to take place. Nothing turned up, not even a toothpick.

I would suggest to you, having said that, that there are people who succumb to the economic pressures of drug trafficking, and who also manifest the social decay in this community who do that.

We are prosecuting people to the fullest extent of the law, whether they are officers, or whether they are visitors, whether they are other inmates who have been out on work release or the like.

So it is a problem in every correctional system in America, and it is one that we are being vigilant about. We have some specific requests of Mr. Bennett that also address the interdiction.

Senator **Adams**. We will go into that later. I would like to have you submit, in writing, or you can state it later in terms of the questioning, what this committee's responsibility could be and should be to provide you more facilities, whether it is in the jail area or the other areas.

We have to break through the various barriers that you have, because if we do not have the facilities, as Chief Turner said, these people will simply rotate.

DECLARING CONTRABAND AS COMBAT WEAPONS

I have just one last question, Chief Turner. Do you declare combat weapons, AK-47's, A-15's and the Uzi's and so on contraband on the streets of the District of Columbia? Is carrying one of those contrabands a situation where that person can be picked up and that weapon seized?

Chief **Turner**. Most assuredly, it is a violation of the law for them to carry a gun on the streets——

Senator **Adams**. Any weapon, AK-47, any of these combat weapons, automatic or semiautomatic, are contraband on the streets of the District of Columbia?

Chief **Turner**. Any firearm. In fact, we took almost 3,000—just close to 3,000 handguns and rifles off the streets of this city last year.

Senator **Adams**. Thank you, Chief Turner.

MANDATORY 5-YEAR SENTENCING LAW

Mayor **Barry**. Mr. Chairman, for the record, let me just say that we are into the second week of our mandatory 5-year sentence for being convicted for the possession of a firearm while committing a felony in Washington.

We also have a pretrial detention provision in the law where the convicts stay in jail without bond until trial. The Chief and I were talking just Friday, about having all officers go vigorously after those persons and charge them with possession of unlicensed weapons. We think this is another deterrent.

There are people in our community, and people in our country, for whom jail is no longer a deterrent. In fact, they say that carrying a weapon, or going to jail is the cost of doing business, and I think that is tragic.

Senator **Adams**. Thank you, Mr. Mayor.

Senator Gramm?

VIEWS ON THE DEATH PENALTY

Senator **Gramm**. Mr. Mayor and Chief, let me just take up questioning on your last point. Under the new drug bill, we provide a Federal death penalty for murders involving drug trafficking.

Let me begin with you, Mr. Mayor. Do you support applying the death penalty in the District of Columbia?

Mayor **Barry**. Senator Gramm, I would take a slightly different approach. We already have the death penalty in the District of Columbia. Eighty percent of those persons who are murdered, in my view, were a part of an unauthorized death penalty in which these criminals are being killed.

I am for life without parole. I think that death, once you have killed, is an easier way than life without parole.

I know that life without parole is going to cost a lot of money——

Senator **Gramm**. Let me ask you a question. What about that fellow with the sergeant that the Chief was talking about, who was taken to the hospital instead of leaving him out there in the street to die, who said when he got out he was going to kill some police officers, what if he did that? Would you be then for the death penalty?

Mayor **Barry**. I am saying that I am for life without parole.

Senator **Gramm**. How many people are in jail in the District of Columbia right now for life without parole?

Mayor **Barry**. Senator, I do not know. I do not have that information.

Senator **Gramm**. The problem I find with life without parole is, these guys end up in jail 6, or 8, or 10, or 12 years, and then they are back out on the street and they are killing more people.

Mayor **Barry**. Senator, if you have life without parole you cannot get out.

Senator **Gramm**. Well, the problem is, it does not end up life without parole. Their life exceeds the life of the will of society to keep them in jail.

Mayor **Barry**. Not a lifetime——

Senator **Gramm**. We see people who are sentenced to life in prison that end up 6 or 8 years later back out on the streets. As this guy was saying to the sergeant, they won't execute him for killing police officers.

Mayor **Barry**. Senator, let me just indicate that the way I am defining it, is that until your natural death you are staying in jail.

Senator **Gramm**. Well, let me just point out, as our experienced prosecutor Senator Specter passed me a note here, Willie Horton was sentenced to life without parole.

Chief, let me ask you another question. Do you support the use of the Federal death penalty in the District of Columbia for drug murders?

Chief **Turner**. I think I would have to, for the men and women in the Metropolitan Police Department.

Senator **Gramm**. Do you think that would be a more effective deterrent than you have got today, in terms of the people who are committing these murders?

Chief **Turner**. Again, certainly for the protection of the police officers, and other officials, I think it would be a deterrent.

Mayor **Barry**. Also, Mr. Chairman, let me make sure, because you want to make something out of this, that I am for life without parole and not the death penalty. Most police chiefs that I know in America would say that the deterrent is there.

REALLOCATING EXISTING RESOURCES TO LAW ENFORCEMENT

Senator **Gramm**. As I figure it, looking at the District of Columbia, we have got about 55 square miles of land, and we have got about 10 square miles of water, and if you look at the amount of that that is under Federal jurisdiction, you have about 1,000 D.C. employees per square mile, which is higher than the population of a lot of Western States.

Could you reallocate resources during this time of emergency, and drop people from other payrolls to expand the payroll of law enforcement?

Mayor **Barry**. Senator Gramm, I do not think that is the problem. We have about 15 D.C. government agencies coordinated in this effort. The question is, to look at the kind of government the District is. I would caution all of you to compare apples to apples.

With the District being 22 percent of the region's population but 78 percent of the region's poverty, we have to have workers who provide social services. Our school system also has a significant amount of employees, I think.

It is not only a question of resources for additional police officers, if we got those. I am convinced with the other 14 departments working jointly with the police department that that gives us the added resources.

We are getting people from the Department of Recreation, who formerly were doing other things in recreational activities, who now are focusing solely on this drug problem.

The same is true with the Department of Consumer and Regulatory Affairs, that regulates all of the restaurants, and the housing here. Their housing inspectors are working for the Police Department on the drug problem.

So, in effect, what we have done is we have deployed additional drug forces to assist in this crisis.

Senator **Gramm**. Well, Mr. Mayor, let me ask you a question, though. In every business, in every family, and I guess it should be in every government, you look at what you are doing with the resources you have, and you ask yourself, am I getting the same return for the last guy I am employing, working in the Park Service, or the museums, or public relations, that I am getting from the last guy that I am employing over here as a police officer?

And as I look at all of these crime figures, and as I listen to all these stories, at least it appears to me, as a guy looking in from the outside, that maybe there are people in other areas of D.C. government, out of the 40,000 employees, that are not worth as much in terms of providing for the well-being of people that live in the District, as that last guy we have got in the Police Department. Maybe what we ought to do is, as people leave, or retire, or move away, or whatever, rather than replacing them, maybe we ought to hire somebody else to wear this blue uniform, and to go out and help deal with this problem.

Mayor **Barry**. Senator Gramm, we have done some of that. I have authorized the Chief to go ahead and hire additional police officers, and we have some of them on board now. Others will be on board by the end of April.

If we could be granted the authority to hire an additional 700 police officers today, it is very unlikely that we would have those 700 police officers fully trained and on the street for 1 year.

We are facing a situation where in 1969, 1970, and 1971, we had a big build up from 3,100 to 5,100 officers, almost 900 police officers each year, over that period of time. So our challenge is to keep recruiting, and keep training, to replace the officers that are leaving.

Again, about 2 months ago we authorized a 6-day work week. We have taken administrative personnel from behind the desk and put them on the streets. We have taken recruits who have been fully trained to shoot and arrest people, and put them on the streets. So there are about 600 police officers on the streets now.

Let me just caution the committee. The police are important, but we cannot look at this serious problem as a police problem alone. We have arrested a significant number of people at all levels of this drug trafficking, and still there are more drugs on the streets of Washington today—in 1988 and 1989—and in every major city that has police, there are more drugs on the streets.

So, I think we do need more police, there is no question about that, to close down these open-air markets. But Chief Turner is telling me the danger that we are going to face, is that when you close them down outside it is going to push the drug trafficking inside, which is more difficult to get at from a legal point of view.

Also, Senator Gramm and the committee, I predict that it is just a matter of time, that once we close down these open-air drug markets in Washington, they are going to spread to the suburbs, and that is not what we want for our neighbors.

So let me just caution the committee again, and Chief Turner agrees with me, that police power, by itself, is not going to solve this problem.

CLOSING A CRACK HOUSE

Senator **Gramm**. Well, if I may, Mr. Chairman, let me say, Senator Domenici had to go to a budget meeting, but I know he would appreciate it if you find that crack house next to that Catholic school and close it this afternoon.

Mayor **Barry**. Well, let me say, I know where he is talking about, at 15th and East Capitol. We have closed several in that area, but we will find that particular one. I know the priest who is pastor of the church over there, and I will call him and find out what the address of that crack house is, and then we will do what we legally can to close it.

TRYING NARCOTICS CASES IN LOCAL OR FEDERAL COURTS

Senator **Adams**. Thank you, Senator Gramm.

I am going to turn now to Senator Wyche Fowler.

I would like to have you submit to me, Chief, on that matter of the death penalty and so. When I was U.S. attorney you could take cases involving narcotics on either the Federal side or on the local side, and I would like to have you submit to me whether or not you use that process here.

In other words, the FBI and DEA and the others, can take it either way, depending on the arrest.

Mr. **Cooke**. Mr. Chairman, Fred Cooke, corporation counsel for the city.

Senator **Adams**. Yes.

Mr. **Cooke**. That decision is made by the U.S. attorney, not by Chief Turner.

Senator **Adams**. I understand that. I want the information because other subcommittees here have jurisdiction over the U.S. Attorney's Office here, and if it is a question of penalties, and whether they are taken locally or federally, we will get that otherwise, but I need the information from him as to whether that is being done.

Now, Senator Fowler.

Senator **Fowler**. Mr. Mayor, because time is short I will shortcut the usual pleasantries, and ask the Mayor of Washington, if jail is no deterrent to these people, as you have said, several times this morning, and capital punishment is not acceptable, what is the remedy? What is the answer?

Mayor **Barry**. Senator Fowler——

Senator **Fowler**. If you cannot do it with the present resources, where are you going to get the resources? Who are you going to ask for them, for what is needed?

Mayor **Barry**. Senator, jail is a deterrent for some parts of our population. Arresting is a deterrent for some. Unfortunately, there is a group of people in most of our cities, and in Washington in particular, where because of life not being very meaningful to them, nothing is a deterrent. Death, jail, or the thought or fear of being killed.

And with that attitude of the people, we just have to keep putting them in jail. If they draw their arms on a police officer or a citizen, kill them.

NO PERSONNEL REQUESTED OF DEFENSE DEPARTMENT

Senator **Fowler**. Chief, when you asked the Department of Defense for help, and you mentioned the helicopters and equipment in response to your request, why didn't you ask for personnel?

Chief **Turner**. Senator Fowler, I do not think personnel is the answer to the problem that we have here.

First, they would have to have some training——

Senator **Fowler**. You have got to train policemen whenever you get them.

Chief **Turner**. That is correct, but I would rather have a trained police officer than a National Guardsman. I think the National Guard are for catastrophes, something that occurs or arrives spontaneously, or emergency repairs for a short duration of time.

Over the long haul, I just do not think that the National Guard is the answer to the drug problem.

I think we have got to have—and I want to say very clearly for the record—we have got to have education, prevention, treatment, and intervention.

We want to have enforcement, and when you have enforcement, then enforcement ought to be meaningful. When you arrest people they go to jail, so it does become a deterrent, and it does not become a joke that they go to court, then settle on pretrial release, and continue on with drugs. They abuse the system, and continue to abuse the system.

And there is no fear of going to jail. Jail is a deterrent if people really know they are going, and if they know that, they are going to stop.

RESOURCES NEEDED TO RECLAIM THE STREETS OF THE DISTRICT

Senator **Fowler**. Well, let me just pose another one, because I have been here the whole morning, as you know, and am deeply concerned, as we all are, but it seems to me that one thing is left out of this discussion, and that is taking the land as it now lies. If it is true, and I do not doubt it, that witnesses will not come forward; if it is true, and I do not doubt it, there are certain sections of this city where people are scared to come out of their homes; if it is true, and I do not doubt it, that there are areas where nobody in their right mind would stand up with the police in a public fight against what is going on in their neighborhood, it means that fear has totally seized those neighborhoods, and paralyzed the usual, and only real last resort of a genuine fight, and that is the public outrage, where all of your resources are mobilized—education, correction, police, foreign nations—everything you have got.

That has not happened.

Now, if the fear has so seized this city that we cannot rely on the public outrage to enable a coordinated approach, it seems to me that that is where the police power is mandatory.

You have to show such force, and it has to be consistent, overwhelming force to let the public know that it is safe for them to join with the authorities in this battle.

And when the theme comes out that says, police power alone will not do it, there are examples all over the world where police power can shut down killings on the street.

Now, I do not know how much it is going to take to do it, but while we sit here and debate what is the proper mix of mental health and education in the schools, and whether or not a satellite will give us some information, we have neighborhoods that are no longer neighborhoods now. They are incarcerated camps because the public has no rights.

And yet this committee has had no request for additional help. You say you do not want the National Guard, you say you do not want the U.S. Army. We have got to find a way to marshall all resources, or there is no point in debating the value system, Mr. Mayor. Just that.

I say to you with great respect, this city needs help. It needs help from every single source that it can possibly muster. I do not know what the drug czar is doing—I hope he is going to have a plan that we can all enthusiastically endorse, together—but I am disturbed by what I heard here this morning, that we have a little territory here, certain people we do not want helping us, some suggestions about how there are high priorities sometimes in certain zones, and I just, in all the testimony this morning, have not heard a single request to the Federal Government. You have not come here to say, we have got a war on our hands and Congress has the only constitutional authority to declare war—and we need your help.

I hope, Mr. Mayor, that—my time is up, I am sure, but the chairman has still not called it—that we will have—and maybe we ought to wait for the drug czar, since we have waited this long, to see what he has, but we will have a reassessment by the District of Columbia, putting all this home rule business aside, putting all this who is responsible for what aside, putting all where the blame goes aside, but to acknowledge the fact publicly that the District of Columbia tried it on their own—and God knows I applaud you for it, as a former city councilman, and city council president—but that you have not won the war.

And the fear that is paralyzing the city makes it impossible to get the public support right now, until you reclaim the streets.

It may not be only police power that can do it, but unless we lead with a coordinated approach, with sufficient ammunition, and personnel, so that everybody knows, once the project has been taken back and the street has been reclaimed, as several of my colleagues have said, that that street is going to stay safe. It may take a block detail, but it has to be done.

Mayor **Barry**. Well, Mr. Chairman, may I add something?

Senator **Adams**. Please.

VALUE SYSTEM VERSUS FEAR IN THE COMMUNITY

Mayor **Barry**. First of all, Mr. Chairman, let me say I have known Senator Fowler——

Senator **Fowler**. Don't tell them how long.

Mayor **Barry** [continuing]. At least 15 or 20 years——

Senator **Fowler**. Thirty.

Mayor **Barry**. A long time. I have felt his compassion and his feelings as he has expressed himself.

I think what we are saying here is that there are neighborhoods, mostly in Anacostia, where we have a feeling that what keeps a number of people from talking to the authorities is not fear. It is a value system, a system that says that it is not my business, I am not being bothered with it, even when it is safe.

It is a code of conduct which says that this is the way life is, and I am just going to let it go on and happen.

I will give you one example. I was speaking to young people in one of our District schools, and there was a 15-year-old young lady who said a friend of hers has a gun. I said, "What are you going to do about it?" and she said, "Nothing."

I said, "Why?" and she said, "That's his business. Not my business."

So it is not paralysis and fear. There are some people who are afraid, but I think everybody in this town, the folks in this community, have come to the conclusion that it is the value system more than fear.

Senator **FOWLER**. Well, Mr. Mayor, again——

Mayor **BARRY**. And then——

Senator **FOWLER**. I know the question—I do not want to interrupt you, but I guess I would have to say, if somebody is smarter than me and he sells drugs, and everybody is in for life, nobody is making money.

Mayor **BARRY**. That is right.

Senator **FOWLER**. And I am just saying right now that if you talk about constitutional values of this country, free to walk the streets without fear of being accosted or shot, the freedom to know that your children are safe when they leave and they walk to school, and that they do not need a guard or a parent because some pimp is going to try to grab them and show them some money, and show them how to make $400 in the afternoon.

Those freedoms, once they are gone—and they are gone in many sections of this city, and you will all attest to that, you will not quarrel with me on that—they have got to be taken back.

And until that neighborhood knows that those basic freedoms are there, or restored, there is not going to be any talk about what the values are. It is going to be, it is not any of my business, because they are terrified. They are terrified.

And I know as you know, it is not happening only in Washington, it happens in many areas. But right now, the focus of the trade seems to be on Washington, DC. At one time it was Detroit, and one time it was somewhere else.

Senator **ADAMS**. Mr. Mayor——

Thank you, Senator Fowler, and I am going to go to Senator Specter.

Mr. Mayor, I think you are hearing from Senator Fowler, and from myself, something very fundamental. We have known you and a number of the others at the table for a long, long time.

Don't make us divide this city, as cities used to be divided, into areas where you could do anything and areas that were policed. We have all fought against that for all of our lives, and what we see happening here—and we are not laying blame, because I think the Chief is right, I think crack and its new effects, and what has happened in Columbia, with the Medlan cartel, and we will get into all that later—have changed what is happening.

What I see occurring in this city is, the city is beginning to break back into what we used to have, and you and I both know it, the old line across the city. On one side you lived by one set of value systems, and on the other side you lived by another set of value of systems, and we spent our whole lives breaking down that line.

RESOURCES NEEDED TO FIGHT WAR ON DRUGS

That is what the committee is really asking you. Tell us about the resources, tell us the help you need, tell us what we are supposed to do as our part, and we will go to other committees that have other jurisdictions, to say, just as Senator Fowler well put it, we have got to take the streets back.

We do not expect them to be perfect, but we have here something that has escalated beyond just having a red zone or a play zone, or any other kind of zones.

We have got a war zone out there. We all agree. I agree with you, Chief. I agree with you as to what is happening out there. The only way we are going to take it back is to put personnel on the streets.

We do not think that is the solution, we just think that is the first step in the war, to allow the other things to begin to happen. The child to walk to school, a person be able to say, this is my neighborhood, the person who will call the police, the person who is protected.

That takes manpower, it takes money. We understand that. And it takes a plan. That is why a lot of us—I came in here with a plan, Mr. Mayor, this morning, and I carefully did not give it, because that is not my business.

I do not want to be operational in this city. I lived in this city when we had a District committee, and we had three commissioners, and we used to operate the city—badly. Congress is not a good operational group.

So what we are saying—Senator Fowler, myself and the others—is not to say—and I want you to understand it—that we think we ought to be doing your job. We are just trying to say, those neighborhoods have got to be taken back. We do not like the alternative of fencing them off—ask us for the help, tell us what we are to do, and we will talk with you and help.

Now I am going to go to Senator Specter, because he has been patient, and I know he wants 5 minutes to talk about a specific thing that he worked hard on, and it did not happen.

There is nothing worse for a man who has created something good to come back 4 years later and find it has not happened. That is the worst thing that can happen to a U.S. Senator.

Senator Specter?

OPENING REMARKS OF SENATOR ARLEN SPECTER

Senator SPECTER. Thank you very much, Mr. Chairman.

I commend you, and thank you for calling these hearings, because I think something good can come out of them.

When you say, Mr. Chairman, that you do not want to see this committee of the Federal Government operational, I would share that hope with you. But if the situation continues as it is now, that is precisely where we may be.

I, for one, would be very reluctant to see the Federal Government take over law enforcement in this city, because that would lead to perhaps a general takeover, and no one knows better than Mayor Barry how I have supported this city on home rule, and supported the efforts for statehood for the District of Columbia.

But I think we have to recognize that statehood has been set back a long time, perhaps decades, and home rule is in jeopardy unless we really solve the issues.

I agree with you, Mr. Mayor, Chief, when you say that more is needed than police. I think that is definitely true, and we are trying to structure interdiction, to stop drugs from coming into the country, and rehabilitation, which is long run, and education, which is in the long run.

But right now the city is hemorrhaging, and there has to be an emergency operation. And Senator Fowler and Senator Adams have said what I had intended to say, and I will say it perhaps a little more rapidly, about the friends you have on this committee, and in the Senate, and in the Congress, who want to help you.

During my 4 years as chairman of this District of Columbia Subcommittee, this subcommittee took the lead in putting up a lot more money on jails, and we were able to do that because—and I see Chief Judge Ugast in the audience, who testified very candidly, and at some judicial risk, that they were not putting sentences on people because there were not enough jail cells to hold them.

With a record like that, over the screaming objections of David Stockman and OMB and a threatened veto on the little D.C. Appropriations Subcommittee bill, we put up millions of dollars for that jail.

I hope we have later an oversight hearing, and I have requested it, Mr. Chairman, on the jail specifically, and on the rehabilitation program specifically, where, again, we put up millions of dollars, and it got off track, and Director Williams is doing a good job, I think, now, although I want to be sure of the rehabilitation.

And we helped you on the parole rules, we gave you assistance in changing those around, and, candidly, it has been disappointing, and it has been frustrating. But that is yesterday.

The question really is, where do we go from here?

There is a very substantial Federal responsibility on the drug issue on street law enforcement. And that arises because it is a violation of Federal law to sell drugs, it is a violation of Federal law for a career criminal to carry a gun.

A career criminal is defined as somebody who has three or more violations, including drug sales, so that those individuals can be prosecuted in the Federal court.

I do not think that we ought to wait for the drug czar. The drug czar has 6 months to propose a plan. The city may not be here in 6 months, if we continue the way we are going now.

What I would like to see you do, Mr. Mayor, and Chief, is I would like to see you come back to this subcommittee, which has expressed its interest in very forceful terms, in 10 days, with a plan.

I do not think you ought to talk about hiring 700 policemen, I think you ought to talk about what resources you need now to put on the street.

There is a provision in the Federal drug law which we passed last year, that cities which are high intensity drug areas can get extra help. Dr. Bennett has already talked about that. It is possible to put extra personnel to work.

The alcohol, tobacco and firearms unit has jurisdiction to arrest drug sellers under Federal laws, including the armed career criminal bill. You have preventive detention under the Federal system for 90 days, no bail where there is a showing of a menace to society.

You have the other one-half of the D.C. criminal justice system, the Federal courts, to prosecute them, you have other U.S. attorneys, and if they are sentenced in the Federal courts, they do not become your problem, Director Williams, they go to the Federal jail.

So I would urge you to tell this subcommittee—it is a good place to start, because the chairman has indicated his interest, and so have all the rest of us—what you need, specifically, because the Federal Government has a major role under existing law, without a Federal takeover.

And then you ought to tell us what you need beyond. Mayor Barry, you know that when you came to this subcommittee and you told us what you needed in 1983, we provided it for you.

You said you needed *x* millions of dollars for a jail, we went to work and got it for you. You said you needed so much money for a realistic rehabilitation program, and vocational training and literacy training, and we got it for you.

You said you needed some help on your parole system, on revocation, and we provided it for you. And we are prepared, I think, to do it again.

But I hope you will not walk away from this hearing without a return date, where you tell us what is needed, and perhaps Dr. Bennett will join us, or perhaps someone from the Department of Justice will join us, because they have a paramount responsibility here.

HELP FROM THE FEDERAL GOVERNMENT

Now, Chief, I would like to ask you for a response, as to what you think realistically could be structured with some help from, say, alcohol, tobacco and drug units, from DEA, the Drug Enforcement Agency, from the FBI, all of whom can be reassigned to Washington, DC, as a high intensity drug area, and what can be done with the Federal side of the prosecution with preventive detention, speedy trials within 90 days under the Federal court system, which Chief Judge Ugast cannot possibly do with his system, and then the possibilities of Federal incarceration.

Chief **Turner**. Senator Specter, I certainly think that the Bureau of Alcohol, Tobacco and Firearms would be of assistance, the Drug Enforcement Agency could be of assistance, but we need somebody right now at the street level, because it is the street level dealing that is the problem that we are having.

Senator **Specter**. Well, Chief——

Chief **Turner**. If you have——

Chief **Turner** [continuing]. Those agents, the Bureau of Alcohol, Tobacco and Firearms agents are operating across this country, and also in Washington, DC, not perhaps in large enough numbers, and when they find someone in possession of a firearm, they make an arrest.

Chief **Turner**. They have recently reassigned 30 additional ATF agents to the Washington field office. We are currently working on a joint task force with them, making some inroads on drugs. So some of these things are happening.

DEA is gearing up to some of the things that we have discussed here. The immediate relief that we need is, right at the street level sale of the open-air markets. We need high visibility; we need uniformed police officers where it is disruptive to have that type of person out there, and also we need somebody to respond to the 780,000 calls for service.

But there is a liaison, we do talk with our Federal counterparts in law enforcement, and we are getting some of that assistance, they are beginning to beef up the public side of the law enforcement in this city.

Senator **Adams**. Thank you, Senator Specter.

DISTRICT'S PLAN SUBMITTED TO DRUG CZAR BENNETT

Mayor **Barry**. Mr. Chairman, may I comment?

We submitted to Mr. Bennett a very comprehensive program, both short term and long term, that would cost $102 million, and it is——

Senator **Adams**. What was the cost?

Mayor **Barry**. $102 million. And what I was trying not to do was preempt his review of it, and his sitting down with us. We sent it to him last Friday. In fact, I will get the committee members a copy of that plan this afternoon.

But I hope that the committee is going to try to see our point just a little bit, in the sense that we welcome help from this committee, we welcome help from the Federal Government, and the regional governments, and any other governments. But apparently we see the problem just a slight bit differently also what is really needed.

That is why both the Chief and myself, without even discussing it, considered the military aid. Senator Fowler's apparent call for the National Guard is not what we need.

We do not think——

Senator **Fowler**. I am not specifying, Mr. Mayor. I do not want to interrupt you, but I agree with the Senator.

The question is not what, but who. And I agree with everything that Senator Specter has said. You choose, but instead of an emergency feeding in new police officers and the time that that takes, I totally submit to you we are all in this together and this is not going to do the job.

A dramatic, immediate presence has got to be felt in this city, in order to do all the other things that you and I, and everybody at that table, will agree on. And that is where it seems to me this committee is.

I mean, we have all spoken on the same thing, and I just humbly expect that there is no evidence, with the amount of force of the drug killings on the streets in Washington, that feeding in 60 policemen a month, or week, is going to do the job.

I say that, knowing that I am no expert, and I am talking to a man, a Chief that we all have tremendous respect for, and he has earned a real reputation for public service.

I just do not know who you can convince, with the murder rate continuing to go up, and the horrors that you have all described this morning, that an incremental approach, in just law enforcement, and just District resources, is going to do the job.

Lord knows, we would like it to do that, but what we are saying is, if you have what you need, in every way, tomorrow, at least ask for it, plan for it, as if this was Dunkirk.

We need to let the folks know in this city, as well as let the drug dealers know, that we mean business.

HELP REQUESTED BY THE DISTRICT

Senator **Adams**. I just want to echo what Senator Fowler is saying. We understand the enormous sensitivity of a 14-year-old government, that I think is doing very well in many ways, is faced with a crushing problem.

I just want to say to you that when I was in law enforcement and the chief dealing with the Metropolitan Police Department there, we were using and handing off bank robberies, alcohol and tobacco tax, submachine gun cases, and so on, both of us interested in the same problem, and that is what we are saying.

For example, in this city we have got 1,257 Capitol Police, we have 495 Park Police, we have 840 Secret Service—I do not know how many there are in the Executive Service—all we are trying to say is, we have got to take back the streets, and we are asking you how to do it.

I have invited Mr. Bennett, and we will—at the end of this I will set another date for hearing Mr. Mayor and Chief and Mr. Williams, that you can come back to us, and I will once again invite him for whatever his thoughts and after he has had a chance to look at the plan.

Now I am going to give Senator Kerrey and then——

Mayor **Barry**. Excuse me, Mr. Chairman, may I just say——

Senator **Adams**. Yes, Mr. Mayor.

Mayor **Barry**. This government has no problem asking for help. I hope I did not give you the wrong impression about the fact that we want it. I think that the committee has given us a better idea of perhaps some of the relief that we can ask for, and if you will give us a couple of days I will get with Chief Turner and others about the specific kinds of help we need. We could give you a good short-term answer right now.

And so I hope I did not give the impression that our position is that we do not want help. This is a legitimate inquiry by the Federal Government, this is our Federal capital, and so I hope that that spirit of cooperation is felt here.

Senator **Adams**. It does.

Mayor **Barry**. And I do not feel any apprehension about saying, we need help. We want it now. The question is, as I said earlier, I did not want to preempt what Mr. Bennett and I had talked about.

But we will get back to you. I have gotten a better feel now about some specific law enforcement-related manpower that can assist the metropolitan police to arrest, track down, take charge, and reclaim those open-air drug markets.

Senator **Adams**. Thank you.

OPENING REMARKS OF SENATOR BOB KERREY

Senator Kerrey?

Senator **Kerrey**. Chief Turner, I just have one question, specifically, and I know Senator Rudman may have asked something in general about it.

There was a program in Los Angeles that started in April 1988, basically an undercover operation called "Grass." Are you familiar with it, and have you looked at that kind of an operation for this city?

Chief **Turner**. I think we are probably the front runner in all types of operations—buy drugs, police officers seen, observation posts—we were even selling drugs ourselves—so we share information within the law enforcement community. Every law enforcement community looks for something to plagiarize, that they can take back to their particular community and do that.

Certainly, I have had personal conversations with Harold Gates, and we use some of the tactics that they use, and they use some of the tactics that we use. Yes, sir; I am familiar with that.

Senator **Kerrey**. Because the numbers are impressive for Grass. I asked the deputy chief that is in charge just about the undercover operations. They have done clean sweep, and they have done a number of other things as well to try to make it work. The output of their operation appears to be impressive.

I am not suggesting, by the way, that you use Grass and the whole problem is gone. You obviously are on top of it, and have looked it and are familiar with it, and that is all I was trying to do in this.

Chief **Turner**. I think the problem, Senator Kerrey, is the fact that people do not go to jail. They are arrested, but they do not go to jail. They do not mind being arrested again and again. I think that we have arrested the individuals that are a large part responsible for a lot of the problems that we have.

Senator **Kerrey**. Is there any place in the Nation, or is this the first place that would have a separate court, as recommended in the written testimony of the Mayor, a separate court for drug and violent crime offense?

Chief **Turner**. To my knowledge it would be the first, yes.

Senator **Kerrey**. Because it seems like a reasonable thing, but again, I know some of the people in Los Angeles I spoke to them about that, because apparently they have tried to get the same thing in place as well.

I would say that I would indicate that I would personally look kindly upon that kind of a recommendation as one possible way of actually ending up where we are not giving the individuals who are trafficking—where we are keeping them in an isolated way.

We are coming to the end of this thing, and Mr. Mayor, we have not met, we do not have the history as the other members of the committee, and all I did was review the written testimony, and I had another hearing to go to, and I do not know how far you strayed from your remarks, but I was troubled by them.

I just have to tell you that I was troubled by your written testimony, because instead of coming before this committee, that, by the way, is not endangered. I mean, except for occasionally on a walk my little heart starts to flutter that we might run into maybe somebody we do not know who they are, we are safe. We are protected—by our income, though it may not be as much as we would like—and we are protected by our status.

We are safe. It is all abstract to us. We looked at the Washington Post article yesterday, and seeing what is going on in Potomac Gardens, and we try to understand it, but it is distant from us.

Occasionally we will have a Senator whose son is a guy who works in a school and has some kind of contact with a crack house, but even crack is an alien substance.

Instead of coming to us with a call, instead of coming to us and saying, we have a problem and we need your help, you do not know, Senator Kerrey, what is going on in our schools, you have got no idea what is going on over in Potomac Gardens, you do not know what it means to be afraid—I read your written testimony, it is like a chamber of commerce document.

It is a great place to live, you say. It is a terrific place to be. I must—we all must say—that if the only criterion was, judge me upon how good a job I am doing with drugs, and if you would give me a vote, I would not vote for you.

Now, I see what is going on here with this written testimony as being not connected, in some way, with what our responsibilities are.

THE DISTRICT SHOULD REQUEST HELP FROM THE CONGRESS

Instead of coming to us and saying, we understand that you would rather not be, Senator Kerrey, on the D.C. Subcommittee, we know you would rather be off doing something else that might be more important to the folks back home, but we have problems here and we need your help.

I do not hear that call. I do not hear it at least in the written testimony.

As I say, I apologize, perhaps there is a digression from the written testimony, and some other pitch is being made.

My life is not in danger, though, as I looked at the numbers of homicides in the city I sometimes feel as if I am, it clearly is not in danger.

But we are a part, whether you prefer us to be or not, we are a part of this community, and I believe that in the absence of community that is committed to solve the problem, no amount of money is going to solve that problem. No amount.

We will not throw money at you.

You will come, and you will say, well, I need to have this program and things will get better. Well, probably we will throw the money in and it will get better.

Unless somehow you engage us in the solution of the problem, in a position of offense, rather than, I see, again, in the written testimony, defense being offered, I think it is going to get worse.

And I fear for the consequence, which is, again, not for me, but for the men and women and children who are living in Potomac Gardens and other places like it.

Senator **ADAMS**. Thank you, Senator Kerrey.

Mayor **BARRY**. Mr. Chairman——

Senator **ADAMS**. Did you wish to respond, Mr. Mayor, before I go to Delegate Fauntroy?

Mayor **BARRY**. We had several versions of the testimony, and I do not know what version Senator Kerrey read, for there were various versions that were typed, respective of my views.

But I stated very clearly to the committee and the chairman of the committee that we wanted help from this committee; that we do not have all the answers. We are looking for any help we can get.

I also said earlier that we would have come with some specific requests to this committee except that I thought that Mr. Bennett was going to come, and I did not want to totally preempt our discussion on the matter. We have a laundry list of specific things that we believe the Federal Government can do, and should do, to assist us in this problem.

Senator Kerrey, I did not really state that I am trying to be defensive about it, trying to reject help of any kind, trying to say that we have all the answers, because we do not, and I am sorry that that was the impression you got, I really am.

As you know me, as some of the other people in the room, you will know that is not the kind of person I am. My ego is not in the way of anything. It is the people of this city that actually live here that we want to help.

So I am awfully sorry that you got that impression, that it is a chamber of commerce kind of operation. The problem is very important and very serious, and to have our city viewed the way it is, is to have labels that we know are just lies. I am awfully sorry you got that impression, I really am.

I hope as we sit and work together you will get to know me better, and have a better view of what I am saying.

OPENING REMARKS OF CONGRESSMAN FAUNTROY

Senator **ADAMS**. Mr. Fauntroy?

Mr. **FAUNTROY**. Mr. Chairman, I simply have one rhetorical question, that I would preface by saying, I want to thank you and members of the panel, and the members of our local government, for the very instructive hearing interchange here, and I see as a result that we are coming to agreement on what needs to be done.

I want to thank you, first of all, for opening the hearings. I mentioned that, in fact, three-fourths of the criminal justice system in the District of Columbia happens to be under Federal control.

And the fact is that we control law enforcement, and that has been done fairly well with less than 42,000 people. But the person who decides who is going to be prosecuted and who is going to get bail are federalized, the prosecutor.

Judge Ugast is here, and some of us are working on ways of expanding the authority of our court system, which is federalized, to handle the cases once people have been arrested.

And as has been pointed out by Senators Specter and Gramm, and you as well, the decision on the security facilities is largely federalized now.

So I want to thank you for making reference to it. In fact, Senator Specter pointed out, as he talked of his experience with the drug bill last year, and the reason we passed the drug bill last year is that we recognized that there are Federal resources available through other communities.

And I thank you for mentioning the fact that the Bureau of Alcohol, Tobacco and Firearms agents are available to us, and that there are several police forces in the District of Columbia that can be utilized on an interim basis, until we get the trained forces we need to do this type of work, on a crash basis, and I am sure that that is going to be a part of what Mr. Bennett comes forth with, in connection with the plans we have offered him.

And I am most appreciative of the fact that Senator Fowler mention the fear. There is fear. There is fear among police officers, and they do not need that now. There is fear among the people in neighborhoods, that if I identify somebody I might get killed.

Why? Why do they fear? They fear because, one, they know that when they are arrested, because of a prosecutory system and easy bail, they will be out on the streets the next day. And because we do not have enough judges to handle, since the decision as to who handles these cases is out of our hands, they know they will be out on the streets for months after arrest, after you have identified them.

And then they hear that the Senate said, no, you cannot build a drug treatment facility and a prison in the District of Columbia where the government has decided they want to do it, they understand that. And so very few of the police officers hear that.

But there is a solution. I think we do have to seek a comprehensive partnership between the Federal Government and the local government. It does have to involve immediate steps, like implementing the Anti-Drug Act of 1988, which said that the drug czar shall coordinate Federal resources.

And I said, do it here first. Bring in the Bureau of Alcohol, Tobacco and Firearms agency now. We realize what resources under the leadership of our local enforcement mechanisms have been most effective. We need to use the other police forces that are here.

I am saying, using that bill, as we have been seeking with our local judges, a means of expanding the number of judges who can handle these cases, so that people are not fearing that people are going to be back out on the streets to take advantage because they know there is no place to hold them, or they know that the prosecutor is making suggestions about their getting right back out on the streets.

So I hope that we will keep moving in this direction. I am looking forward to the next meeting, because I think what is going to happen is, that we are going to find ourselves in agreement, Senator Specter, Senator Fowler, Mr. Chairman, you, I, and the members of this panel.

We have got to do this as a international and a national problem that requires the kind of resources and concentration that we mandated in the bill last year, and we want to do it here first, by coordinating and concentrating all those resources, both Federal and regional, with the local government, not through command but in cooperation in dealing with an enormously difficult problem.

Senator **ADAMS**. Thank you.

Mr. **FAUNTROY**. And then my question is still going to be rather brief. Thank you. [Laughter.]

CURING THE CRACK COCAINE ADDICT

Senator **ADAMS**. Thank you, Delegate Fauntroy.

I am going to call the other panel, and I am going to ask Mr. Ugast and the other witnesses to all come forward.

I have one question before we do that. There is one area that was left that, Dr. Tuckson, I did not want this panel to go without it being asked.

You are a renowned specialist in this area. Do you believe a person addicted to crack can really be cured, and if you do, what does it take to cure a crack user that is different from the form of treatment given to other drug addictions?

Because we have heard testimony that crack is not only different, it is an epidemic that has just hit this city.

Now, if the other witness would like to leave at this point I would call the next panel, and that would be fine, but I did want to get this answer, and if you would like to stay for it, that is fine.

Dr. **TUCKSON**. Thank you——

Senator **ADAMS**. Would you wait just a moment? Senator Mikulksi has a question for you. Oh, please go ahead.

Dr. **TUCKSON**. Thank you very much for the chance to answer your question.

First of all, sir, I do think that it is possible. We have many examples of successful cases of treating someone who has been addicted to cocaine, whether that cocaine be used in the form of crack, either smoking it or injecting it intravenously, or insufflated through the nose.

It is a very difficult substance to treat——

Senator **ADAMS**. How is crack ingested?

Dr. **TUCKSON**. First of all, crack is cocaine. It is cocaine that is prepared in a particular form that allows it to be smoked in a pipe. Crack, or cocaine, the same drug, is also used intravenously and injected by many people. It is an increasingly widespread phenomenon across our country.

Crack cocaine is also taken by snorting it through the nose, through insufflation. That was, in fact, the most common way until recent times.

So crack is cocaine. Cocaine is an extraordinarily effective drug at doing what it is intended to do. It provides pleasure, and it does it by a very fundamental, biochemical physiological reaction at the most vital pleasure centers in our brain.

It is an extremely addictive substance, not only from the physiological sense but the psychological sense. It makes the person feel very good, for a very short time, and so the result is that people will return to it, time after time after time, several times in the course of a day.

People will forget about other things. You have people who are using this drug who are rich, who have fabulous houses, who allow their houses to go into complete disrepair, who do not go to work at very comfortable jobs, because of their addiction to this drug. You also have very poor people, who would do anything to get it.

In that context, we are aware that with intensity of treatment, over time, that people—many people—have been successful in kicking the habit. It begins with, first and foremost, a desire to do so.

That is the hardest part, is for the person to get to the point where they are going to make a decision that they want to, in fact, get off this drug.

The second thing that has to occur, and it is a very long, prolonged, committed, and multistaged effort, that has acute detoxification, treatment, then aftercare, and then continued followup through various support groups. I have been pleased to see many people in this city, and across the country, together follow this program.

Let me say to you, in one of the questions that you asked in your introduction, should the National Institute of Drug Abuse do more in providing people in jobs like mine, the pharmacological and other resources available to do a better job of trying to treat this addiction. There is no question that the answer to that is yes.

I think that Dr. Shuster understands his responsibility at NIDA, we have some important dialog going on with him now, but we could use a lot more.

We are encouraged in the scientific literature to see the introduction now of two new drugs that are starting to give some benefit.

Those in drug abuse treatment need more, we need to have consultation and training of our staff, of the status of those investigations, and what we need to know and how to proceed, so we can do a better job of trying to treat, pharmacologically, this addiction.

Finally, sir, and I know the time is short, one of the other things that I think that NIDA ought to be able to do is to look at the various treatment programs across this country, especially for treating cocaine, and see what models are available, see who is doing what.

We do not have, in this country, fundamentally, a national standard that says, this is the success rate in treating this addiction by economic, sociodemographic characteristics, so we know how well we do with people who are stockbrokers who are addicted to the drug and in treatment, and those who come to us through the criminal justice system.

We do not have a ruler, that we can measure and compare, and say how do the programs compare. Similarly, we do not have a ruler or yardstick that tells us about the cost of those programs. How much money should we spend in a cocaine treatment program, based on value of outcome and so forth?

And then finally, it is, what are the elements, the determinants of success, those programs that seem to do better, based on some measurement of what is success. And I submit to you, sir, it is very complicated to try to find success in an addiction where you have a lifelong problem.

But however you decide to define success, those succeeding and most successful, what are the elements, the determinants, of why they are better.

So I say to you, in summary, we are not, and should not leave this room, pessimistic about the opportunity or the possibility of treatment. We are successful now, with quite a large number of people. We have also failed quite a large number of times.

We do need more help. NIDA has a role, and has already assumed it. We have asked them specifically the questions I have asked you. I feel confident that they are trying to do it, but I think you ought to look at it from your own side of the responsibilities with them.

Senator Adams. Thank you very much, Dr. Tuckson, we will put them on the list.

Senator Mikulski?

Senator Mikulski. Thank you very much, Mr. Chairman.

OPENING REMARKS OF SENATOR MIKULSKI

I know your time is running. My questions really will be factual, rather than rhetorical.

First to Police Chief Tucker, who I think with his law enforcement personnel are doing a well-done job down in the street.

Chief Turner, what type of weapons are your police carrying? Are they the standard .38 revolvers, or do you have appropriate weapons in terms of the automatic weapons that many police forces in surrounding counties have?

Chief Turner. We have converted to the 9 millimeter Glock weapon. We purchased 4,055 semiautomatic 9 millimeter Glocks that cost us $1,600,000. We are now in the process of training our officers to convert to them, so that they will have proficiency in the use of that weapon.

We train 70 officers a week, and we are training all of our new recruits as they come through the training to carry these weapons. Since daylight savings started we now have increased that to two tours of duty, so that we could fire during the day work and in the early evening hours; we will be able to train 140 officers.

Senator Mikulski. So your personnel will be adequately armed when you finish this?

Chief Turner. Yes; I think that we will be adequately armed, yes.

PERSONS ARRESTED AND TRIED UNDER OPERATION CLEAN SWEEP

Senator Mikulski. Now, to Mayor Barry, I would like to come back to some questions on Operation Clean Sweep, Mr. Mayor.

You said, since August 1987, when this was undertaken, there were 46,000 arrests, and about 27,000 were drug related.

Mr. Mayor, can you tell me that as a result of that effort, how many of those 27,000 have actually been tried? And then how many were actually convicted?

Or if Chief Turner could help you. It is not meant to be a quiz, it is meant to get at some of the underlying issues.

Chief **Turner**. Yes; I would say, here are some of the final dispositions, on this particular sheet that I have right here. Forty-five in for first offender treatment; 7,071 forfeited money; 3,431 people were found guilty; 3,977 cases were nolle prossed; 38 were found not guilty, and 27,000 are still in the criminal justice system awaiting adjudication.

Senator **Mikulski**. Well, that then goes to my point; 27,000 since this effort began in August are awaiting adjudication. Does that mean they are awaiting trial, or they are in trial? Or is it hard to say?

Chief **Turner**. You can't really tell, but the record shows that there are 18,000 pending, and I assume that is awaiting trial or in trial. I really do not have the breakdown on that.

Senator **Mikulski**. Mr. Chairman, let me tell you the point of my question, and I think it needs further examination by the committee, in terms of the resources needed.

After Clean Sweep was done—and I must say that was a heroic undertaking, a cop out there by himself or herself, or maybe two-people patrols, is one hell of a scary undertaking. Having done that, then it breaks down—the processing, the prosecution, and then the ability to incarcerate.

Of that since August 1987, 27,000 are still somewhere in the criminal justice system. That means the criminal justice system is part of the problem.

Therefore, arrests are meant to accomplish two things. One, to get the people off the streets and put them in jail if they have been convicted of crime.

The other is to be a deterrent, where if you do something wrong you are going to be caught and be punished.

If we do not—we are not able to process, prosecute, and then put away, in whatever modality is appropriate, we make a mockery of the street efforts of the police. And in fact, the street dealers can just taunt them and say, well, what the hell, my brains will just keep me going, and they have the brains, they can hire the best, and just keep it running.

And so I think when we are talking about fighting this at the retail level, which is essentially what we are doing, when we have this whole criminal justice system, for which we do have a Federal responsibility, in terms of the court system and so on, and I would hope that when we talk to the chief judge we could get at some of these issues, and of course, put forward to the District and their administrative team what it takes to process, the time to prosecute, and are there enough prosecutors and judges to move it along.

I think those are constructive ways, and there are appropriate Federal laws, to be involved with local law enforcement.

DATE FOR ADDITIONAL HEARINGS

Senator **Adams**. Thank you very much, Senator Mikulski.

I want to thank each of the members of the panel, and I want to state that it has been clearly indicated by not only members of the panel but by other members of the committee, and visiting Senators, that we should go forward with this.

We are going to call the other panel now, but when I recess today I will not recess the committee, but will recess it until 10 o'clock on April 17.

Now, if there is going to be conflicts, I am trying to set a date far enough in advance so that calendars can be cleared, and I am setting it on a Monday, because that is generally a day when the Senate is not in session, and, therefore, we are not interrupted by rollcall votes.

Mr. Mayor, our staff and your staffs will discuss what you think are appropriate people to be here, and we would welcome your presence again.

The same with you, Chief Turner, and with Mr. Williams, but I want you to know that we would appreciate in the meantime staff cooperation on the plans. I will once again contact Mr. Bennett, which I did for this hearing.

I can understand his reluctance—none of us are trying to pop off about a question that is so deep.

I want to thank each one of you for your cooperation, and we look forward to seeing you again.

So I will recess after the next panel until April 17, and I thank you all.

CLOSING REMARKS BY SENATOR SPECTER

Mayor **BARRY**. Mr. Chairman, may I just express my deep appreciation. This is the first time we have had this kind of an open dialog, and it has been constructive for all of us at this table. I have listened very carefully to each of you, and rest assured that we will, before the 17th, get back to you some additional, specific kinds of ways we think that we can try to get some assistance for us. We need it.

We have a goal of trying to contain these open-air markets, we have a goal of trying to reduce these killings, as well as just the general goal of eliminating it in the communities so that people can feel safe and free.

I do appreciate these dialogs, they have been sometimes emotional because it is a subject that we feel so deeply about, and I want to thank you so much for having us here.

ADDITIONAL COMMITTEE QUESTIONS

Senator **ADAMS**. Thank you, Mr. Mayor. Thank you for joining us, and we just all share in the fact that we have been invaded, and we want to do what we can to win the war.

Thank you very much. We will submit some additional questions for your response.

[The following questions were not asked at the hearing, but were submitted to the District for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR PETE V. DOMENICI

RESOURCES TO FIGHT D.C. DRUG WAR

Mr. Mayor and distinguished witnesses, the anti-drug war is being waged on many fronts -- through our police, prosecuting attorneys, the courts, the prisons, and through education, prevention, and treatment. The District Government is trying to pull it all together into a strategy, and I would like to focus a few questions on some of the proposals under discussion.

Senator Domenici:
1) One solution to D.C.'s drug crisis which has been talked about is the hiring of 700 new police officers. At the same time, however, there is also talk within the District government of tightening the residency requirements for D.C. police recruits. Can a city the size of Washington recruit such a large police force from strictly within its own boundaries and still maintain the highest quality standards for its officers?

Mayor Barry:
1) The District currently has a roster of potential police hires from which new officers could be selected. There are presently 767 candidates on this active roster.

The department has been actively seeking candidates to recruit from within and around the Metropolitan area. However, with other neighboring law enforcement agencies also experiencing personnel shortages, i.e., Prince Georges County and Montgomery County Police, the pool of employable candidates from this area is increasingly becoming consumed. In order to reach the estimated number of applicants necessary to hire 700 recruits, it is imperative that the department engage in an extensive recruitment campaign.

The department is also exploring other avenues to accelerate this mass recruiting effort. Plans are being made to discuss, with military officials, the feasibility of reinstituting the early out option, similar to that which was exercised in the early 60's and 70's. This enabled military personnel, with an expressed interest in law enforcement, to retire early and pursue this career.

Senator Domenici:
2) We have seen the greatest death toll from the drug war within the 6th and 7th police districts, yet there have been a very large number of officers assigned to the 2nd district in Northwest, which has had much less problem with open air drug markets and drug-related homicides. Some of the more cynical observers argue that this misapplication of manpower is due to the tax revenues, which areas such as the 2nd district generate, rather than the actual threat to the safety of the community. Can you comment on this situation?

Mayor Barry:
2) Assignments of police officers to the 6th and 7th police districts of the city in comparison with assignments to police to the 2nd police district are essentially the same.

The following workload factors are considered when assigning police officers to a particular police district.

1) Part I Offenses
2) Part II Offenses
3) Arrests (except traffic)
4) Traffic Accidents
5) Radio Calls for Service
6) Estimated population and mileage per district
7) Miscellaneous incidents and Juvenile Acts

Also changes in deployment of on-street strength may occur to handle emergency crime situations in a particular neighborhood. The Special Operations Division is frequently used to support redeployments.

Senator Domenici:
3) Tell me about the promotion system within the District police force. What are the criteria for such promotions?

Mayor Barry:
3) Promotions up through the rank of Captain are made in sequence from a promotional list for each civil service rank: sergeant, lieutenant, and captain. Ranking on these registers is based on a combined score from a written examination and assessment panel. The scores from each are 50% of the final score. The promotional process establishing these registers currently occurs every two years. The three written examinations are developed by four captains and are based on a task-based analysis of each rank. The content

areas of each examination are general technical knowledge, specialized technical knowledge, investigative knowledge, legal knowledge, and supervisory management knowledge. Each content area is weighted differently according to the rank being tested.

Certain supervisory/managerial dimensions have been identified as critical to successful performance in supervisory positions, and they serve as the basis for the assessment panel phase of the promotional process. These dimensions are as follows:

1. Problem identification
2. Judgment
3. Decisiveness
4. Planning
5. Leadership
6. Human relations
7. Oral communications
8. Written communications

The assessment phase is divided into three sections: an in-basket exercise, a report writing exercise, and an oral interview. The assessment panel consists of three members, two police officials and a civilian from the D.C. Office of Personnel. For the sergeants' panel, the rank of the officials is captain; for lieutenants', inspector; and for captains', deputy chief.

Eligibility requirement to partake in the promotional process were as follows for the last examination given in 1988.

Sergeant:	Members who serve in the Department in any sworn position below the rank of "Civil Service Sergeant" for at least three years by June 30, 1988.
Lieutenant:	Members who served in Department in the grade of Sergeant for least one year by June 30, 1988.
Captain:	Members who will have served in the Department in the grade of Lieutenant for at least one year by June 30, 1988.

Senator Domenici:
3b. Who has final approval over the promotions over the upper level positions within the department? Is this a new system for promotions which the Barry Administration developed, or did the previous Washington Administration conduct promotions in the same manner?

Mayor Barry:
3b. Title 4-104 of the D.C. Code provides that the Mayor shall appoint and promote all members of the

Metropolitan Police Department and also provides that the assistant and deputy chiefs of police and inspectors shall be selected from amongst the captains of the force. Traditionally, inspectors are chosen from the rank of captain; deputy chiefs, from the rank of inspector; assistant chief, from the rank of deputy chief. As vacancies occur, the Chief makes recommendations to the Mayor and Mayor makes the final selection.

During the Barry Administration, the only change to the promotional process has been the replacement of suitability ratings by supervisory officials with the assessment panel process. This change came about as a result of guidelines issued by the Equal Employment Opportunity Commission in 1978 regarding employee selections which required objective, validated selection criteria. The suitability ratings that were being used then did not meet these guidelines. A procedure which was available and validated at this time was the assessment center process. Accordingly, this department's promotional process was revised using the assessment panels. The revised process was first implemented in the 1980 promotional process. It should also be noted that Title 4 was changed in the 1970's to replace the terminology "Commissioner" with "Mayor," but this was prior to the Barry Administration.

Senator Domenici:
3c. Is the District police force top heavy, with too many officers?

Mayor Barry:
3c. No, the Metropolitan Police Department is not top heavy. For fiscal year 1989, the department has been authorized 4,133 uniformed members of which 261 are lieutenants and above. These sworn managers represent 6.3% of the entire force.

Senator Domenici:
4) It is my understanding that there are almost 4,000 Metropolitan Police Officers, yet only 1,400 are assigned to street patrols. This compares to cities like Baltimore where 2,000 out of approximately 3,000 are street officers. I understand that Washington is a city where the police must protect government officials and foreign dignitaries, but is this not a low percentage of a city police force to be assigned to street patrol?

Mayor Barry:
4) It is true that the D.C. Metropolitan Police has a uniformed complement of nearly 4,000. To be exact, presently, the department has a complement

of 3,914 uniformed members. However, in response to the number of members assigned to street patrols this information is inaccurate. Of the 3,467 members assigned to "street units," 2,839, or 82% are actually performing street duty functions. This 82% consists of members assigned to the seven police districts, crime scene examination officers, the Special Operations, Criminal Investigation, Youth, Morals and Intelligence Divisions; each play a vital role in ongoing street-duty activities.

The department believes that given the nature of the District's crime problem it has acted responsibly, in devoting its present level of resources to this effort. Aside from this, an additional 1,284 officers (undercover, tactical and vice) are serving in specialized support functions to assist the street duty officer.

SENATOR DOMENICI:
5. Treatment It is my understanding that the Alcohol and Drug Abuse Services Administration (ADASA) is the lead agency within the District for drug treatment services. Is it possible to give me a breakdown of the budget and personnel in terms of resources devoted to the administration of these programs versus resources devoted to actually delivering treatment services? How many administrative personnel are there in this agency and what percentage of the budget do they spend?

MAYOR BARRY:
5. The Alcohol and Drug Abuse Services Administration's (ADASA) approved appropriated FY 1989 budget is $30,316,000. Of this amount, the total personal services budget ($9,560,000) represents 32% of the whole. Administrative type positions account for $2,989,551 (31%) of the personal services budget. An additional amount of $2,566,000 is expended in non-personal service costs to support the program. In other words, of the total available ($30,316,000), only $5,555,551 or 18% is spent on administrative staff and expenses. The bulk of ADASA's fiscal resources is expended on direct service and service related staff and programming.

In addition to the treatment facilities directly operated by ADASA, there are currently 34 service contracts with private providers at an annual cost of $12,000,000 for services including in- and outpatient treatment, and a variety of prevention and education services.

Currently, there are 92 administrative personnel (CFT and TFT) employed within ADASA at a cost of $2,989,551 or 10% of the total program budget.

SENATOR DOMENICI:
6. Prisons In 1985, the Congress appropriated $50 million for the construction of a new detention center in the District. As of today, no ground has been broken. I do not understand that there are political problems with locating a prison in certain neighborhoods, but there are also political problems with allowing hardened criminals to return to the streets for lack of space. Can you tell me why it has taken so long to break ground on such an urgently needed facility?

MAYOR BARRY:
6. A Design & Build Contract was executed on October 15, 1986, between Gilbane/Smoot Joint Venture and the District of Columbia for a total lump sum fixed price of $49,817,000.00 to design and build an 800 bed facility.

The site selected contained seven structures that were being used by several District agencies. A relocation plan had to be implemented.

It should be noted that the deadline established by the Congress for a signed Contract by October 1986, reduced the time available to develop relocation plans.

The old OB/GYN Building on D.C. General's site was renovated to relocate four clinics from the Gallinger Hospital Building. Unforseen conditions and additional program requirements caused the construction completion of the OB/GYN Building to be delayed. As a result of this delay, the Gallinger Hospital Building could not be vacated as scheduled. The delay caused by relocation occurred concurrently with other delays.

There have been delays imposed on the CTF project from September 1987 to the present time.

The actions that caused delays in construction start of the Correctional Treatment Facility (CTF) are the following:

a. September 1987 through May 1988 - The Senate District appropriations Sub-Committee suspend construction of the CTF pending a feasibility study of alternative sites.

b. December 1, 1987 - ANC6B filed an application with the D.C. Historic Preservation Review Board to designate the D.C. General Complex: Archeological Site, Reservation 13, Building 24 and grounds of Psychiatric Building as a Historic Landmark.

- February 17, 1988 - Landmark Hearing

- March 16, 1988 - Review Board rendered a decision that part of the Southeast Corner of the site could be nominated to the National Register of Historic Places.

c. Fine Arts Commission
March 17, 1988 - Fine Arts Commission Presentation.

d. April 28, 1988 - ANC6B filed an application with D.C. Historic Presentation Review Board to designate the Gallinger Memorial Hospital as a Historic Landmark.

  - June 15, 1988 - Landmark Hearing.

  - June 15, 1988 - The Decision: Review Board denied designation of the Gallinger Hospital to the D.C. Inventory of Historic Sites and recommends that the state Historic Preservation Officer not place the property in nomination to the National Register of Historic Places.

e. July 26, 1988 - Historic Preservation Review Board Presentation.

f. July 28, 1988 - National Capital Planning Commission Presentation.

g. August 17, 1988 - The Historic Preservation Review Board Presentation.

h. October 27, 1988 - Special Landmark Hearing Session: Special session held to re-open June 15, 1988 Case 88-2.

  - October 27, 1988 - Decision: Reaffirmed the decision reached on June 15, 1988.

i. February 7, 1989 - Demolition permits for buildings on the site were obtained.

j. February 16, 1989 - A Motion for a Temporary Restraining Order (TRO) to prevent the demolition of Gallinger Hospital was filed and served to the District.

  - February 24, 1989 - Hearing for the TRO.

  - March 1, 1989 - Judge issued an Order to bar the District from demolition of the Gallinger Hospital.

k. March 30, 1989 - Noted an appeal of the Judge's Order barring the demolition of Gallinger Hospital.

  - May 18, 1989 - Appellate Argument.

In spite of the delays progress has been made on the CFT project. Activities Accomplished:

- Design completed
- Construction documents (drawings and specification) completed
- steam line relocation
- Installation of temporary power
- Installation of fence around perimeter of site
- Rodent abatement
- Asbestos Abatement
- Cleaning debris from site
- Geotechnical surveys
- Obtained permit from National Park Service for temporary use of the stadium access road. The use of this road will prevent construction vehicles from using neighborhood streets.

The District has made a concerted effort to proceed with the project despite these major delays and recurring minor delays and slowdowns caused by the strong citizens opposition to the plan. While it is clear that the District urgently needs these 800 beds and more to keep pace with population growth, the District has not allowed hardened criminals to return to the streets for lack of space. In the absence of significant new space, the District has taken other measures to make space for people who should be incarcerated. Specifically, we have transferred 742 inmates to out-of-state facilities in Texas, Nevada, Washington State, Virginia, and Tennessee. More than 400 inmates were taken by the federal government during a 40-day period in October and November 1988 when severe crowding and back-to-back Court orders prompted the District to close its violators incarcerated today compared with 10,550 in October 1988 -- an eight percent increase in seven months without any significant new space added to the City's correctional system. We are proceeding to add 500 modular beds at Lorton Correctional Complex and to consolidate the youth population into an expanded Youth Center I to make room for adult offenders at the former Youth Center II.

The District has also relied on the Prison Overcrowding Emergency Powers Act of 1987 as part of its population management strategy. Since July 1987, 4,876 inmates have been released an average of 28 days before their regularly scheduled release date. The majority of the inmates released early were serving time for misdemeanors at the time of release.

SENATOR DOMENICI:
7. Education I think one of the greatest problems this city has is the size of the demands for drug among its citizens. One way to reduce that demand would be to educate youngsters about the dangers -- moral and physical -- of drug use. Can you tell me about the city's drug education program?

MAYOR BARRY:
7. In the District of Columbia Public Schools, drug and alcohol abuse prevention is taught as a unit within the health and physical education curriculum guides K-6 and 9-12. This curriculum unit is supplemented regularly with updated materials that have been developed both professionally and in-house. These materials are readily available to schools as well as the community to supplement ongoing Alcohol and Drug Education activities. This plan of operation was selected primarily because of the multi-faceted and dynamic nature of the problem, making it difficult to advocate a specific curriculum that would be relevant to the D.C. public schools diversified population. Teachers are required to take a drug education course. They may choose either a 6 hour in-house mini-course or a credited course at a local university. As a result they are equipped with the necessary skills to teach drug education integrated into their subject matter area. The ultimate goal is to implement a curriculum that will lend itself to providing information and education through current standardized subject matters areas. The school system will continue to analyze, research and develop modules to determine their effectiveness for our target population.

SENATOR DOMENICI:
7a. Who is in charge of this activity in the school system?

MAYOR BARRY:
7a. Mr. William A. Johnson, Director, Substance Abuse Prevention Program, Division of Curriculum and Educational Technology.

SENATOR DOMENICI:
7b. What is the training of the person who conducts this program?

MAYOR BARRY:
7b. Adelphi University, Long Island, New York, Certification m- Drug Education Specialist, 1970; The George Washington University, Washington, D.C.; M.A. - Urban Learning & Sociology, 1973; Winston-Salem State University, Winston-Salem, North Carolina, B.A. - Elementary Education, 1960.

7b. Since 1970, Mr. Johnson has been responsible for collecting and disseminating information and materials and providing technical assistance to health education teachers and others who provide instruction in alcohol/drug abuse prevention in the District of Columbia Public Schools.

SENATOR DOMENICI:
7c. Does the school system have a citywide policy regarding drug education?

MAYOR BARRY:
7c. Yes. In 1942, Congress mandated that all health education teachers were required to teach a unit on alcohol/drug education in the District of Columbia Public Schools. In 1984, the District of Columbia Board of Education mandated that all education personnel must receive inservice training in drug education, or show proof of such training from an accredited institution, to be fully certified in the school system.

SENATOR DOMENICI:
7d. Can you point to any publication which has been developed which discusses the most effective programs in drug education?

Mayor Barry:
7d. There is currently no single definitive publication available nationally or locally which has been developed that would be appropriate for all target populations. The materials utilized in the system's program are available from a variety of sources, and are used as supplementary resource material in our classroom instruction.

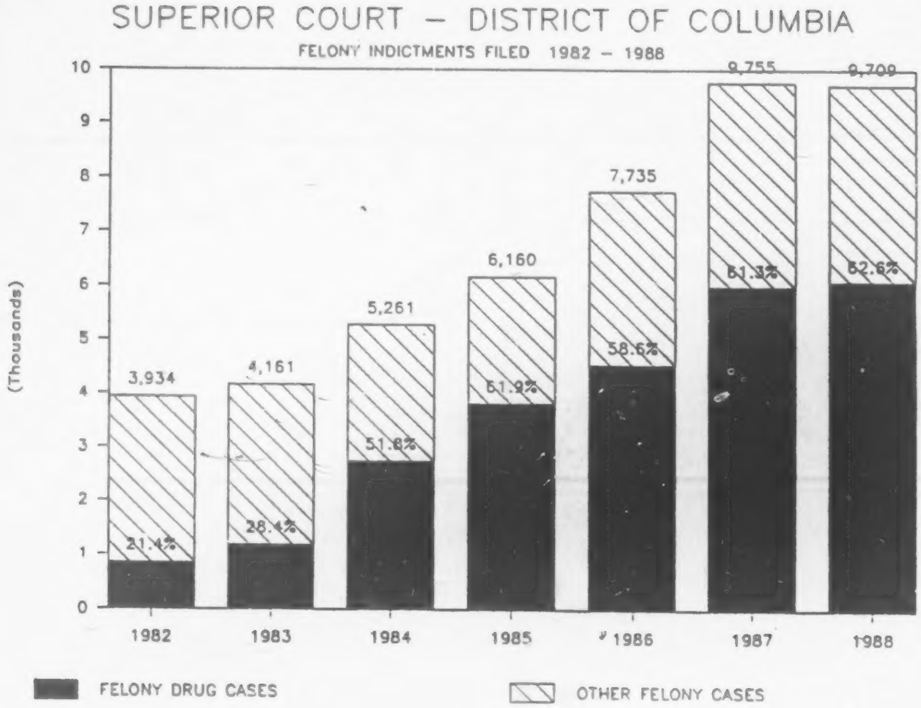
Senator Domenici:
8. The morale of many D.C. police officers must be low given the state of the D.C. criminal justice [system] seems to be such a revolving door. Even if we could find adequate prison space, I am not even sure we have the prosecutors or the judges to handle the load of drug cases. Do we need to reform the D.C. court system to take into account the new reality of increasing drug arrests? Do we need a night court, a special drug court or a whole host of new judges to handle this situation?

Mayor Barry:
8. The problems of crime, drugs and drug violence require comprehensive and coordinated solutions. There are needs for resources at all points of the justice system as well as in the schools and in community drug programs. As I indicated in some detail to Dr. Bennett, in a March 29th report being mailed to you under separate cover, the court has significant resource needs today. The anticipated addition of 700 police officers will create additional demands on the court and on court-related agencies such as the U.S. Attorney, the Corporation Counsel, the Public Defender Service, the U.S. Marshal and the Pretrial Services Agency, requiring further resources.

In recent House testimony, I noted that our analysis documents a current need for eight to nine additional judges and a need for seven more judges when the 700 new police officers are trained and on the street.

In both the Bennett report and our House testimony, the need, for overtime funds for the staff required to permit our judges to sit beyond the normal work day and to expand the hours of operation of the arraignment/presentment process, is noted. It must also be noted that the provision of judges alone will not be fruitful. There must be support staff for the court and the court-related agencies must have prosecutors, defense attorneys, pretrial services personnel, drug testing staff, courtroom marshals, etc., in order to do the job that needs to be done.

Finally, the attached chart indicates that 62.6% of the 9700 cases which came through our 16 felony courtrooms in 1988 were drug cases. In truth, every one of our felony courtrooms is already a drug court.



STATUTORY CHANGES TO HELP D.C. LAW ENFORCEMENT

SENATOR DOMENICI:
In looking at a comprehensive approach to mounting a war against drug abuse, I don't think the District Government nor the Congress should overlook laws currently on the books and how they might be strengthened to help our law enforcement personnel and the courts. There are a number of laws, which I believe it would be appropriate to review, and I would appreciate the comments of our distinguished witnesses on any, or all, of these laws and how they are working in the drug war.

1. Bail Reform Act governing pretrial release.

MAYOR BARRY:
1. We believe our current law governing pretrial release and detention (23 D.C. Code 1321 et seq.) in the District of Columbia is adequate. When enacted by Congress in 1970, it was the first statute in the country with explicit provisions for pretrial detention. It was the first statute that permitted judicial officers to consider not only the likelihood that the defendant would appear in court, but also the potential risks to community safety if released. The constitutionality of the statute was upheld in the case of United States v. Edwards in 1981. Since this law took effect in 1971, 35 states have adopted similar laws. Much of the Federal Bail Reform Act of 1984 (18 U.S.C. 3142) is patterned after the D.C. Statute.

We believe the law strikes an appropriate balance between public safety concerns and due process safeguards. Repeat offenders charged with dangerous or violent crimes (including drug offenses) can be held without bond after a detention hearing. Pursuant to amendments adopted in 1982, defendants charged with first degree murder may be detained. (23 D.C. Code 1325) For those defendants granted release, the law permits the imposition of restrictive release conditions (such as drug testing) that reduce the risk of pretrial misconduct. It also sets forth penalties for violating conditions of release, or failing to appear for scheduled court appearances.

SENATOR DOMENICI:
2. Speedy Trial Act governing preventive detention.

MAYOR BARRY:
2. The Preventive Detention sections of the District of Columbia Code have been called the strongest in the nation. Except for first degree murder, their use is triggered by the request of the prosecutor for such detention. This action then requires a pretrial detention hearing within five (5) days (three (3) days if it is detention for determination of addiction). Subsequently, if the defendant is detained, the case must be placed on an expedited calendar and trial must begin within 60 days. For good cause shown, the prosecutor may be granted 30 additional days. Failure to begin trial within the specified period results in the vacating of the pretrial detention order and the setting of conditions of release under D.C. Code Section 23-1321.

Recently adopted temporary legislation, D.C. Act 8-22, expanded the grounds upon which a judicial officer may rely in ordering a requested preventive detention prior to trial, and establishes a rebuttable presumption that the defendant is a danger to the community and pretrial detention shall be ordered, when there is a substantial probability that a felony has been committed by the defendant while unlawfully possessing a firearm. This bill, should the prosecutor use his/her discretion in seeking preventive detention, could substantially increase the use of preventive detention and add many additional cases to those where expedited trial is necessary.

The ability to reach trial within 60 (or 90) days is a function of having adequate prosecution, defense and court resources. We must assume that the limited number of preventive detentions requested results from the prosecutor's evaluation of his preparation needs and the system's ability to reach the cases for trial within the specified period of time.

We are not aware of any prosecutorial proposals for change nor do we have any suggestions to offer.

SENATOR DOMENICI:
3. Duncan Ordinance governing the provision of arrest information to central files maintained by the FBI or opening of arrest files to FBI inquiries.

MAYOR BARRY:
3. On December 1, 1966, the President of the Board of Commissioners of the District of Columbia appointed a committee to investigate the effect of police arrest records on

employment opportunities in the District of Columbia, chaired by then Corporation Counsel Charles T. Duncan. At its meeting on October 31, 1967, the Board approved the committee's recommendations to prohibit the release by the police department of unexpurgated arrest records, except in relation to a specific criminal investigation, and to limit release of conviction records to those occurring within ten years of a request.

The Board's enactment, subsequently referred to as the Duncan Ordinance, remains in effect as Chapter 10 of Title 1 of the District of Columbia Municipal Regulations. The government has considered numerous proposals to amend the Duncan Ordinance but currently there are no bills pending before the Council. Last year, in Newspapers, Inc. v. MPD, the D.C. Court of Appeals held that the Duncan Ordinance was not a statue for the purposes of the D.C. Freedom of Information Act, thus making criminal history records subject to release under FOIA. Earlier this year, however, the U.S. Supreme Court, in Department of Justice v. Reporters' Committee, held that the release of compiled arrest records under FOIA would constitute a violation of the individual's right to privacy.

The police department is now in the process of reviewing the earlier proposals in light of those court decisions in order to determine what, if any, changes should be proposed in the Duncan Ordinance.

SENATOR DOMENICI:
4. Good Time Credits Act relating to reduced sentences for good behavior when earned;

MAYOR BARRY:
4. The Good Time Credits Act of 1986 is designed to provide an incentive for positive institutional adjustment and completion of educational programs. It is intended to encourage inmates to participate in and complete educational programs by offering credits taken off the amount of time served. While the Good Time Credits Act is a valuable tool for motivating inmates and managing population, there is no direct relationship between it and the city's efforts to fight drug abuse.

SENATOR DOMENICI:
5. Plea bargaining to lesser sentences, such as "attempt to distribute" in lieu of distribution and possession of drugs;

MAYOR BARRY:
5. Most drug arrests are the result of the difficult and dangerous work performed by dedicated police officers. The Department would prefer deterrence through aggressive prosecutions and meaningful prison sentences. We recognize, however, that prosecutorial discretion to accept a plea of guilty to a lesser offense, in lieu of trial on the original charge, is a practical necessity.

SENATOR DOMENICI:
6. Eviction of drug dealers from public housing - Alexandria is taking the lead on getting a waiver from HUD to expedite the eviction of drug dealers from federally supported housing in

the wake of the murder of a police officer in a hostage situation at a crack house last week. Should D.C. seek the same expedited eviction procedure?

MAYOR BARRY:
6. On April 11, 1989, the Department of Public and Assisted Housing submitted a request to HUD seeking a waiver from the HUD administrative grievance process. The District has asked to be allowed to exclude from its grievance process an eviction on termination of tenancy based on a tenant's (1) involvement in the sale or distribution of illegal drugs or paraphernalia on or about any public housing property, (2) brandishing or discharging firearms or other deadly weapons on or about any public housing property, or (3) conviction of a crime committed on or about any public housing property.

Since receiving the waiver request, HUD officials have informally communicated to the Department of Public and Assisted Housing that if it amends its low-rent housing regulations to provide that public housing residents who are subject to eviction proceedings shall have the opportunity to examine all relevant documents, records and regulations of the housing authority prior to trial for the purpose of preparing a defense, it is highly probable that the District's waiver request will be granted.

The Department of Public and Assisted Housing has moved forward to adopt the HUD suggested amendment to its regulations on an emergency basis. We are hopeful that with this amendment in place, our waiver request will be granted by HUD.

It should also be noted that legislation is pending before the Council of the District of Columbia to expedite the eviction process in the District of Columbia for illegal drug activity. The Department of Public and Assisted Housing supports the position that local landlord-tenant law should be amended to provide that tenants who have been arrested for illegal drug or firearm activity or whose units have been searched with a valid search warrant which resulted in the seizure of a specific quantity of drugs may be given a 48-hour notice to vacate by housing providers with no attempt to cure.

SENATOR DOMENICI:
7. Assets seizures from drug dealers - should enforcement be more vigorous?

MAYOR BARRY:
7. Yes. However, at the present time staffing does not allow the Metropolitan Police Department to vigorously pursue the asset seizures from dealers. Under the District's asset forfeiture program, proceeds may only be used for the sole purpose of drug rehabilitation, prevention, and education. Funding may also be used for the administrative support of these three (3) drug prevention categories. If these funds are not used within the receiving year the balance is transferred to the D.C. General Fund.

Additional resources would be dedicated to the long term investigation of major drug traffickers in the District. Long term investigations are very labor intensive due to the large number of officers needed for surveillance, and follow up investigations. Further, more officers could be dedicated to the investigation and recovery of assets gained by the illegal drug traffickers.

TRENDS IN DRUGS AND CRIME IN D.C.

Mr. Mayor, and distinguished witnesses, the question on everyone's lips as the spring season unfolds is whether or not it is safe to visit the Nation's Capital. I must admit that I, too, have heard this question from New Mexicans as they prepare spring and summer vacation plans to visit the District of Columbia.

I must admit that the statistics that I have reviewed to try and answer this question are appalling. I do think, however, that for the purpose of this hearing the facts need to be on the record. Perhaps you, Mr. Mayor, Police Chief Turner, and our distinguished members of the Judiciary can provide the Subcommittee with an update on what is happening on the streets of Washington.

First of all, it is my understanding that the number of homicides in calendar year 1988 -- 369 -- was an all-time high for the city, and that it was accompanied by a 17 percent increase in crime over the previous year. To really get a look at the trends, I'd like to take a look at arrest and prosecution activities for at least five years. I believe the most recent statistics I have seen are from 1986. If you and your associates from the Metropolitan Police Department and the Courts could provide statistics for three years now and five years for the hearing record, I think that would be sufficient.

SENATOR DOMENICI:
1. Could you give the Subcommittee the number of arrests -- both juvenile and adult -- in the District of Columbia for each of 1986, 1987, 1988, and 1989 to date?

MAYOR BARRY:
1. I am pleased to provide the committee with the number of total adult and juvenile arrests for 1986 through the first month of 1989.

Number of Adult & Juvenile Arrests
Calender Years 1986 - January 1989

Year	Adults	Juveniles	Total
1986	44,054	3,944	47,998
1987	43,445	6,148	49,593
1988	35,943	6,627	42,546
January 1989*	1,781	544	2,325

*Most current statistics available

SENATOR DOMENICI:
2. How many of these arrests were drug-related?

MAYOR BARRY:
2. Below are the number of adults and juveniles arrested for drug offenses during that same period. Since it is impossible to determine with reliable accuracy the relationship to drugs of other offenses, such as burglary and larceny, we must necessarily restrict "drug-related" to drug offenses, i.e. possession and/or distribution of illegal drugs.

Drug Arrests for Adults & Juveniles
Calender Years 1986 - January 1989

Year	Adults	Juveniles	Total
1986	12,058	1,222	13,280
1987	11,066	1,894	12,960
1988	8,511	1,913	10,424
January 1989*	409	126	535

*Most current statistics available

SENATOR DOMENICI:
3. How many of those arrested in each of these years (except 1989) was actually prosecuted?

SENATOR DOMENICI:
4. How many of those arrested in each year, and subsequently prosecuted, actually served time in jail?

SENATOR DOMENICI:
5. What was the average length of these sentences?

SENATOR DOMENICI:
6. How many of those prosecuted during this period were repeat offenders?

SENATOR DOMENICI:
7. How many repeat offenders were prosecuted for drug-related crimes?

MAYOR BARRY:
Regarding the other questions (3-7) that you raised about arrests, such as how many of those arrested were subsequently prosecuted, convicted and served time in prison, we have undertaken a special study to generate those answers. Currently, we do not have an information system that can provide that data. Each criminal justice agency has its own separate information system with its own codes and procedures, and these systems are incompatible and consequently, are not linked. As a result, we can only track individual cases and this can be done only by inquiring into all of these systems separately.

Recognizing the severe limitation this fragmentation places on the management of the system as a whole, as well as the considerable duplication and wasted manual effort required to maintain these systems and to obtain complete data on any case, we are in the process of designing and implementing the Criminal Justice Information System (CJIS). This will be a shared data file, residing on the mainframe of the Metropolitan Police Department, into which each criminal justice agency will enter data on actions taken by that agency on individuals and will, in turn, have access to data entered by other agencies on the same individuals. The police will enter identification and arrest data, the Pretrial Services Agency will enter in pretrial status decisions, the U.S. Attorney and Superior Court will enter in prosecution charges and dispositions, the Corrections Department will enter entrances and exits into correctional facilities and the Parole Board will enter parole decisions. Once this system is fully implemented, we shall be able to monitor the flow of cases through the system and determine the effects of various policies and programs on that flow. You will find this system described in the FY 1989 and 1990 budget justifications for the Office of Criminal Justice Plans and Analysis.

In the meantime, the Office of Criminal Justice Plans and Analysis, with the assistance of the Pretrial Services Agency, has undertaken a study of a representative sample of arrests that occurred last April (1988). While we realize that your questions related to arrests occurring during and since 1986, because of the limitations of our current information systems, we must focus the study on a smaller period. Since the current dispositional pattern is probably the most relevant to you, we chose to sample the most recent period in which arrests should have been fully disposed by this time. If the study proceeds as planned with no unforeseen problems, we shall be able to submit to you a report on current dispositional patterns by the end of May (1989).

QUESTIONS SUBMITTED BY SENATOR WARREN RUDMAN

The Court System

Senator Warren Rudman:
1. Your statement points out the need in the District for additional court resources to handle drug and violent crime offenses. This implies the existence of a backlog in related felony cases before the D.C. Superior Court. Is there such a backlog? If so, why have you not asked for additional resources prior to this time?

Mayor Barry:
1. At March 31, 1989 there were 3,232 felony cases pending. Ideally, there should not be more than 1,950

felony cases pending before our sixteen (16) Felony calendars.

The courts have asked for substantial additional staff in their 1990 budget requests as they have each year in the past. However, the courts' requests are tempered by the knowledge of the severe fiscal constraints on the District of Columbia Government.

The letters to the District and to Mr. Bennett reflect existing critical court needs and the added resources required to support the courts' workload and duties which will result from the anticipated infusion of resources for law enforcement that are necessary in order to address the drug and drug violence problems of the District of Columbia.

Metropolitan Police Department

Senator Rudman:
1) It is my understanding that the District employs nearly 4,000 police officers, however, only 1,400 are actually assigned to street patrols, as opposed to the city of Baltimore, where 2,000 out of 3,000 are on the street. Is this correct, and if so, is this not a low percentage, given nature of the District's problems?

Mayor Barry:
1) It is true that the D.C. Metropolitan Police has a uniformed complement of nearly 4,000. To be exact, presently, the department has a complement of 3,914 uniformed members. However, in response to the number of members assigned to street patrols this information is inaccurate. Of the 3,467 members assigned to "street units," 2,839 of the 82% are actually performing street duty functions. This 82% consists of members assigned to the seven police districts, crime scene examination officers, the Special Operations, Criminal Investigation, Youth, Morals and Intelligence Divisions; each play a vital role in ongoing street-duty activities.

The department believes that given the nature of the District's crime problem it has acted responsibly, in devoting its present level of resources to this effort. Aside from this, an additional 1,284 officers (undercover, tactical and vice) are serving in specialized support functions to assist the street duty officer.

Senator Rudman:
2) Please describe the promotional system employed in the District. Upon what criteria are promotions based?

Mayor Barry:
2) Promotions up through the rank of Captain are made in sequence from a promotional list for each civil service rank: sergeant, lieutenant, and captain. Ranking on these registers is based on a combined score from a written examination and assessment panel. The scores from each are 50% of the final score. The promotional process establishing these registers currently occurs every two years. The three written examinations are developed by four captains and are based on a task-based analysis of each rank. The content areas of each examination are general technical knowledge, specialized technical knowledge, investigative knowledge, legal knowledge, and supervisory management knowledge. Each content area is weighted differently according to the rank being tested.

Certain supervisory/managerial dimensions have been identified as critical to successful performance in supervisory positions, and they serve as the basis for the assessment panel phase of the promotional process. These dimensions are as follows:

1. Problem identification
2. Judgment
3. Decisiveness
4. Planning
5. Leadership
6. Human relations
7. Oral communications
8. Written communications

The assessment phase is divided into three sections: an in-basket exercise, a report writing exercise, and an oral interview. The assessment panel consists of three members, two police officials and a civilian from the D.C. Office of Personnel. For the sergeants' panel, the rank of the officials is captain; for lieutenants', inspector; and for captains', deputy chief.

Eligibility requirement to partake in the promotional process were as follows for the last examination given in 1988.

Sergeant: Members who serve in the Department in any sworn position below the rank of "Civil Service Sergeant" for at least three years by June 30, 1988.

Lieutenant:	Members who served in Department in the grade of Sergeant for least one year by June 30, 1988.
Captain:	Members who will have served in the Department in the grade of Lieutenant for at least one year by June 30, 1988.

Senator Rudman:
3) Are different criteria applied for promotions ranking captain and above?

Mayor Barry:
3) Title 4-104 of the D.C. Code provides that the Mayor shall appoint and promote all members of the Metropolitan Police Department and also provides that the assistant and deputy chiefs of police and inspectors shall be selected from amongst the captains of the force. Traditionally, inspectors are chosen from the rank of captain; deputy chiefs, from the rank of inspector; assistant chief, from the rank of deputy chief. As vacancies occur, the Chief makes recommendations to the Mayor and Mayor makes the final selection.

Senator Rudman:
4) Is this system a creation of the Barry Administration, or did it exit prior?

Mayor Barry:
4) During the Barry Administration, the only change to the promotional process has been the replacement of suitability ratings by supervisory officials with the assessment panel process. This change came about as a result of guidelines issued by the Equal Employment Opportunity Commission in 1978 regarding employee selections which required objective, validated selection criteria. The suitability ratings that were being used then did not meet these guidelines. A procedure which was available and validated at this time was the assessment center process. Accordingly, this department's promotional process was revised using the assessment panels. The revised process was first implemented in the 1980 promotional process. It should also be noted that Title 4 was changed in the 1970's to replace the terminology "Commissioner" with "Mayor," but this was prior to the Barry Administration.

Murders in the District

SENATOR RUDMAN:
1. Your statement characterizes the great number of homicides in the District basically as targeted killings taking place in limited areas of the city. However, a

study released this February by the city's Office of Criminal Justice Plans and Analysis shows that, over the three and a half years covered by the study since 1985, all of the city's wards with the exception of Wards 3 and 4 experienced about the same range of killings, both in actual number and percentage. Do you agree that this problem extends beyond the limited areas to which you refer?

MAYOR BARRY:

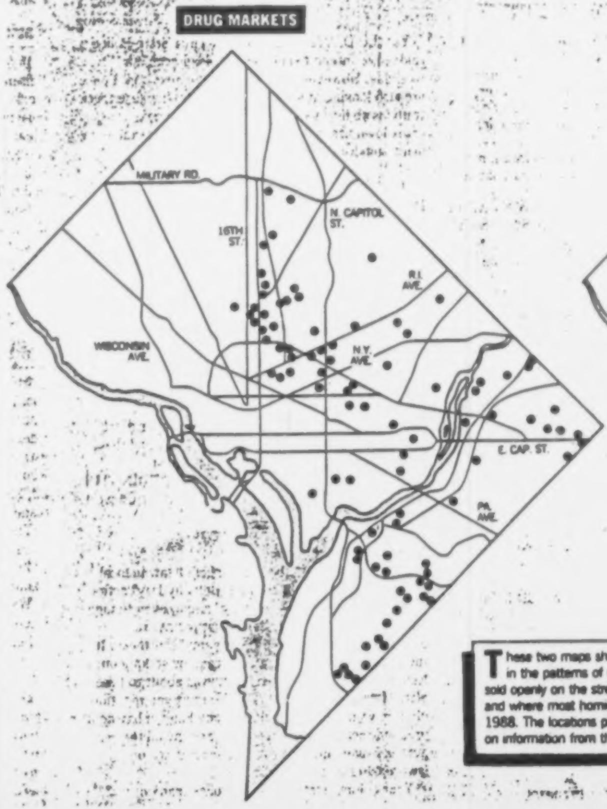
1. According to the study entitled, Homicide in the District of Columbia which was released this February by the city's Office of Criminal Justice Plans and Analysis, for the period 1985 through June 1988, most homicides in the District occurred between 9 p.m. and 3 a.m. (44 percent), the majority of victims were killed in their own neighborhoods (70 percent), and most were found to have drugs in their systems (63 percent). About 80 percent of the homicides in 1988 in the District were drug-related. The data suggest that persons involved in the drug trade are the high risk group for becoming homicide victims.

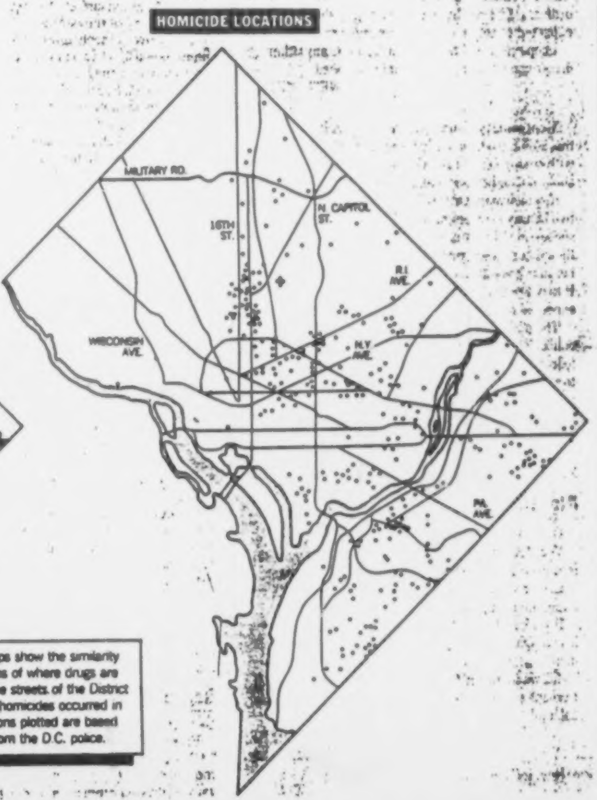
It is true that homicides occurred almost evenly throughout all wards of the city with the exception of Wards 3 and 4. However, as shown in the attached map (Washington Post, January 13, 1989), homicides primarily occurred in those neighborhoods where the District's major open-air drug markets are located.

THE WASHINGTON POST

HOW DRUG MARKETS COMPARE WITH HOMICIDE LOCATIONS IN D.C.

JANUARY 13, 1989


DRUG MARKETS
MILITARY RD.
16TH ST.
N. CAPITOL ST.
R.I. AVE.
WISCONSIN AVE.
N.Y. AVE.
E. CAP. ST.
PA. AVE.


HOMICIDE LOCATIONS
MILITARY RD.
16TH ST.
N. CAPITOL ST.
R.I. AVE.
WISCONSIN AVE.
N.Y. AVE.
PA. AVE.

These two maps show the similarity in the patterns of where drugs are sold openly on the streets of the District and where most homicides occurred in 1988. The locations plotted are based on information from the D.C. police.

SENATOR RUDMAN:
2. Even if the killings were strictly located within specific geographic parameters, wouldn't it be reasonable to assume that such killings, left unchecked, will eventually expand into other areas of the city?

MAYOR BARRY:
2. We certainly acknowledge the need to take additional steps to reduce the number of homicides in the District. We are increasing our law-enforcement manpower deployment, targeting violent groups involved in the drug trade for arrest and prosecution, and seeking additional federal assistance to help reduce the level of drug use and its attendant violence.

Assets and Forfeiture

Senator Rudman
1) It is my understanding the District has in place a relatively new procedure for the seizure of assets from criminal offenses. Are these seized assets used for law enforcement purposes, as in the federal government's program, or do they return to the general city fund?

Mayor Barry:
1) Assets seized under the District government's program are to be used specifically, in accordance with the law. It states that unlike the federal program which allows the agency to use these funds for any law enforcement purpose, the District's program concisely spells out the terms in which these funds must be used. Under the District's asset forfeiture program, proceeds may only be used for the sole purpose of drug rehabilitation, prevention, and education. Funding may also be used for the administrative support of these three (3) drug prevention categories. If these funds are not used within the receiving year the balance is transferred to the D.C. general fund.

DEPARTMENT OF CORRECTIONS

SENATOR RUDMAN:
1. As you have pointed out, Congress has appropriated a total of $50 million for the construction of a new detention center in the District. You state that the city government is moving forward with prison plans, however ground has yet to be broken despite Congress' early commitment to this much needed project. Why has there been such a delay?

MR. WILLIAMS:
1. The District of Columbia entered into a design build contract for the 800-bed Correctional Treatment Facility on October 15, 1986, as required by Congress in order to receive the $50 million special appropriation. The facility is to be constructed on a

10.5 acre site in Southeast Washington, which was selected after a comprehensive study of five sites in the city. Since that time, the facility has encountered repeated delays because of citizen opposition, congressional intervention, and court action. In addition to responding to numerous citizen concerns about the facade of the building, its placement on the land parcel, and its impact on the neighborhood by making changes in the building design and planned landscaping, the entire project has been stopped twice since the contract was awarded.

In September 1987, the same Senate subcommittee that initiated the special appropriation ordered the city to suspend all construction activity until the General Accounting Office (GAO) could review the viability of four alternative sites -- the same sites that had been reviewed and rejected before the project began. The committee action was based on continuing opposition to the selected site and the presence of artifacts on the site. When those artifacts were discovered, the city conducted a comprehensive archeological study of the site and shifted the footprint of the building to preserve the period artifacts there.

The GAO study was completed on March 1, 1988. It said that there were pros and cons to all of the sites and acknowledged that relocating the facility would be costly. On May 24, 1988, the Senate Subcommittee on the District of Columbia authorized the city to resume construction on the originally-selected site after a nine month delay.

Construction activity was stopped again on March 1, 1989, when U.S. District Court Judge Joyce Green enjoined the District from razing a building on the site which had been nominated for inclusion in the National Historic Register. Action on the historic nomination had been initiated by the elected Advisory Neighborhood Commission in February 1988. The State Historic Preservation Board held three hearings on the proposed nomination of Gallinger Hospital and denied the application. The citizens appealed to the Keeper of the National Register who ruled that the hospital was eligible for nomination.

In February 1989, the citizens filed suit in U.S. District Court against the Federal and District governments for failing to comply with the review process for historic designation covered in Section 106 of the National Historic Preservation Act which applies to all federally-funded projects. Both the District and Federal governments argued that the Section 106 review process does not apply because this is a local project financed with a special appropriation. The city has appealed the ruling to the U.S. Court of Appeals and a hearing is scheduled for May 18. The project is at a standstill pending court action on the appeal.

SENATOR RUDMAN:
2. To some extent, some federal law is an obstacle. Can and should it be changed to remove the obstacle?

MR. WILLIAMS:
2. The National Historic Preservation Act has become an obstacle because citizen opponents to the plan and U.S. District Court Judge Joyce Green have interpreted the law as applying to this project. An amendment to that law clarifying what constitutes a federal project or new legislation establishing that the CTF project is indeed a local project would remove the current obstacle.

SENATOR RUDMAN:
3. Why have you not asked Congress for assistance in this matter?

MR. WILLIAMS:
3. Until March 1 when Judge Joyce Green issued her order, the District felt its position on the applicability of Section 106 of the National Historic Preservation Act was strong. This position was supported by the U.S. Department of Justice. The District requested federal and congressional assistance on this issue in its proposal to William Bennett.

The earlier nine-month delay in the project was initiated by Congress and written into the Appropriations bill that was passed by Congress.

SENATOR RUDMAN:
4. How much of the $50 million appropriated by Congress has the city spent on the prison project? How has this money been spent?

MR. WILLIAMS:
4. The District has actually spent $8.3 million of the $50 million special appropriation for design, project management, various site and soil studies, and pre-construction activity.

SENATOR RUDMAN:
5. What is the D.C. Corrections Department policy on drug testing of inmates? Are inmates tested regularly for drug use, and if so, what percentage test positive?

MR. WILLIAMS:
5. The District of Columbia has one of the most comprehensive drug testing programs of any prison system in the country. Targeted testing for cocaine, amphetamines, opiates, pcp, and marijuana, using the emit screening method, is carried out in all facilities at Lorton with about 3,000 samples tested per month. Of everyone tested at Lorton, on the average, 93 percent are found to be drug free. During March 1989, 4.7 percent at Lorton tested positive and 5 percent at the D.C. Detention Facility tested positive.

SENATOR RUDMAN:
6. What steps are being taken to reduce the influx of drugs into D.C. prisons?

MR. WILLIAMS:
6. In addition to the Department of Corrections' internal drug testing and screening efforts, the District of Columbia is involved in a comprehensive interdiction effort in cooperation with the Metropolitan Police Department, the U.S. Attorney for the Eastern District, and the Federal Bureau of Investigation. This joint activity includes more intensive shakedowns of visitors and a commitment to prosecute any visitors found trying to bring drugs into our facilities. In addition, the FBI conducted an unannounced shakedown of all incoming staff on one shift two weeks ago. They found no drugs.

Senator Rudman:
1) How responsive has the District government been to requests for law enforcement budget support?

Chief Turner:
1) Over the past few years the District government, overall, has been very supportive of the department's law enforcement efforts. This has been best demonstrated through the D.C. Office of the Budget and its willingness to continually approve increases for major equipment and upgrades. Even though, the levels of increases may not always be consistent with that which was initially requested, the District government has been very sensitive to the needs of the department and made significant efforts to fund various law enforcement projects.

Senator Rudman:
2) How responsive has the District government been to requests for increases and upgrades in equipment? In reference to substantial procurement of necessary equipment, i.e. ammunition, computer, etc., what problems have you encountered regarding administrative delays, rejection of requests, and other bureaucratic entanglements?

Chief Turner:
2) The District's procurement process of purchases in excess of $10,000 spans, on the average of 90 to 120 days. During this period of time the Department of Administrative Services, in conjunction with the Metropolitan Police Department, work diligently to conduct proposals to ensure that all agency specifications are met. Also, the staff seeks to select the most qualified vendor capable of delivering the commodity at the

most affordable rate. There are times when the evaluating staff is confronted with a problem that results in an acquisition delay.

Over the past years, many of the department's more critical public safety needs have been met through the tireless efforts of the entire District government. Some of our most recognizable purchases in recent years are as follows:

command bus	$261,097	Amdahl computer	$4,634,994
modular terminal	77,048	negotiators van	16,438
ammunition	161,528	radios	1,010,000
voice security	57,770	CRT terminals	92,677
vehicles	3,830,770	9mm weapons	592,000
helicopters	505,000		

The nature of policing dictates that this agency acquire state-of-the-art equipment and upgrades to be keeping with modern law enforcement technology. We believe that historically, the District of Columbia government has been cooperative in addressing our needs.

STATEMENTS OF:

HON. FRED B. UGAST, CHIEF JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

PROF. LAWRENCE W. SHERMAN, INSTITUTE OF CRIMINAL JUSTICE AND CRIMINOLOGY, UNIVERSITY OF MARYLAND

DR. KARST BESTEMAN, EXECUTIVE DIRECTOR, ALCOHOL AND DRUG PROBLEM ASSOCIATION

INTRODUCTION OF WITNESSES

Senator **ADAMS**. I now call—and I will call together, but I am going to hear from Judge Ugast first, panels II and III together, so that we have an opportunity.

First, the Honorable Fred B. Ugast, Chief Judge of the Superior Court of the District of Columbia, and I am going to ask to join him at the table, Prof. Lawrence W. Sherman, Institute of Criminal Justice and Criminology, University of Maryland, and Dr. Karst Besteman, executive director of the Alcohol and Drug Problem Association, former Deputy Director of the National Institute of Drug Abuse.

If you will all come to the table, we will take a 3-minute recess while you all arrive, and then we will proceed right with it.

[A brief recess was taken.]

Senator **ADAMS**. This subcommittee will reconvene.

The panel we have before us now is the Honorable Fred B. Ugast, Chief Judge of the Superior Court.

I am going to ask you to testify first, please, Chief Judge Ugast, and then Professor Sherman, and then Dr. Besteman.

So at this time we will proceed with you, please. Judge Ugast, welcome to the committee, and we look forward to hearing your testimony in whichever form you wish to give it.

Judge **UGAST**. Thank you, Mr. Chairman, Senator Mikulski, and other members of the committee.

Senator **ADAMS**. Could you pull the microphone a little closer to you, Judge Ugast?

Judge **UGAST**. Closer? Yes; is that better?

Senator **ADAMS**. Yes.

Judge **UGAST**. I want to thank you for inviting me to appear here this morning, and to participate in this important hearing, the first of, maybe, several involving a difficult time for our city, a time of crisis.

Let me just start by saying that I start with the proposition that the criminal justice system must be viewed as an integrated system, and that while there are many players, with differing roles and differing responsibilities in the criminal justice system, it is important that they be coordinated, and that their interaction and their impact upon each other is taken into consideration in planning and in resources.

Our court, as you know, is a totally unified court. We are the only trial court in the District of Columbia, we have criminal, civil, family, probate, and tax divisions. There is no other trial court in the District of Columbia, as there is in Maryland where there is a district court as well as a circuit court.

Therefore, I come before you as the Chief Judge of the court, with responsibility to the entire community, with respect to providing a forum for litigation and resolution of issues of all types. Our judges are rotated, at this time, once a year, into differing divisions throughout the court.

But my responsibility is to try to stay flexible, and to try, to the best of our ability, to meet the needs in all divisions of the court. At this time the drug crisis is affecting more than just the Criminal Division. It is affecting the Family Division in our juvenile cases. It is affecting the number of neglect cases. It is affecting the number of evictions and related matters in the Civil Division.

Now, let me just briefly say that, at this time, we have just about one-half the court assigned to the Criminal Division—about 23 judges and five hearing commissioners. We have 12 of what we call felony 2 calendars, that handle felonies other than first-degree murder, rape, and child abuse cases.

Those 12 felony calendars are over 60 percent drug calendared. In other words, 60 percent of the charges on those calendars involve either drug distribution, or possession with intent to distribute drugs.

I have two major felony calendars that handle first-degree murders, rapes, cases with four defendants or more, and child abuse cases. I also have seven misdemeanor calendars, which involve drug possession charges, insofar as we are dealing with drugs.

We received 9,700 indictments last year. In 1982, for comparison, there were only 3,900 felony indictments.

Senator **Adams**. What was that? I did not hear it.

Judge **Ugast**. In 1982, there were 3,900 felony indictments, just using that as a base figure for comparison.

As I say, 60 to 62 percent of our felony indictments are drug charges. Our test results—we had the first program in the Nation for drug testing of adults at the time of arrest, to assist the judge or hearing commissioner in setting conditions of release—show for 1988, that 73 percent of the adults arrested and going through the court cell block, tested drug positive, 64 percent for cocaine, 33 percent for PCP, and 17 percent for opium.

That number is currently a little bit less, actually—I just got the February figures which indicate that 69 percent of the adults tested positive, 63 percent for cocaine, 23 percent for PCP, and 16 percent for opiates—down a little bit.

On the juvenile side, let me just—well, let me skip to the misdemeanors. Misdemeanors, in 1988, have had a slight reduction in numbers, principally because the charges that have been placed by the U.S. attorney, as a result of arrests are dealing more with distribution, attempted distribution, or possession with intent to distribute—all felony charges—so that the misdemeanors have gone down just a little bit. In a moment I will have a little something to say about that.

In the Family Division, the petitions have risen to 5,400 this past year. That is, petitioning by the corporation counsel with respect to the delinquency of juveniles.

Our testing showed last year that 35 percent, of juveniles in community cases and those incarcerated, tested positive for some drug. In February 1989, that was down a little bit from that percentage, but the age of drug positive juveniles seems to be getting somewhat younger.

Last month 21 percent of the 13 year olds that were arrested and brought into the juvenile system tested positive for some drug use.

We find a rise in the number of neglect cases. Families cannot control many of the children that are brought in that ordinarily would have been sent home. They are having to be detained in some fashion because the families say, we can't handle this individual.

We are also finding more families are involved in drugs themselves, and it would be inappropriate to send a child home, even on a first offense, since there is no one that would take appropriate custody of the individual.

EFFECTS OF OPERATION CLEAN SWEEP ON THE COURTS

What I guess I am saying to you is that we are affected, obviously, by the tremendous surge of drug cases, which has not happened overnight. Operation Clean Sweep actually started, I think, in August 1986, and the large number of arrests that you have already heard about, have been occurring over the past 2½ years. Sometimes with a sporadic quiet period where the operation has not been conducted.

What has developed is that our calendars have gradually increased substantially, from where they were. After we got seven new judges in 1984, the calendars were very manageable—we have now increased those calendars again.

I have two accelerated felony calendars now that deal with individuals that have severe records, or who have parole or probation violations. Those calendars move quickly, and also involve violent individuals. The number of cases on these calendars has increased.

We have a number of programs in our probation service, which are designed to help in a difficult situation. In the juvenile area, we have the HITS program, a high intensity treatment program for youngsters. We also have an intensive probation program for adults.

There was some question raised earlier about the number of arrests, and let me just anticipate that. Notwithstanding the numbers of those arrests, as of the end of February, I believe, we had 3,141 felonies pending, and 1,879 misdemeanors pending. Those were the pending caseload in the court that would involve drugs.

There are about 800 cases pending grand jury action. As you know, we follow the Federal system, and all felonies are initiated by the return of indictments.

I guess what I started to say, was that the court is particularly vulnerable, as the neutral arbiter, to the actions of the law enforcement system. It must know what law enforcement is doing in order to be able to determine how it should plan, and how can it best use its resources.

We are dependent on the litigation that is filed with the court. We have to anticipate and try to develop programs, and develop strategies of case management that will assist us in doing this as quickly as possible.

But the amount of litigation we get, and the kind of litigation we get, and the kind of charges we get, are controlled by others.

So as part of this process, I have met with the U.S. attorney; I met with the Chief of Police; I met with the city administrator; and the corporation counsel. I have met with Pretrial Services. I have met with the Marshal's Service people. I have met them all in an effort to determine where the focus is going to be, because that will determine, in great measure, what our needs are.

If the focus is to be on a dealer type of person, or a person who is one of the larger dealers, if that is the focus of the law enforcement authorities and the prosecutors, well, that would suggest that the court provide one type of calendar.

If the focus is to be on a mix of street pushers and, on the demand side, some of the buyers, that might very well involve larger numbers, and calendars of a little different fashion.

All of these matters are important for my determination as to the way we should plan, and what we might seek assistance on from the committee, in terms of additional resources.

I am sure that when the U.S. attorney appears before you he will express to you his belief on the strategy, which, again, is not for the court to comment on, other than its impact, and whether he intends to initiate prosecutions either in our court or in the Federal court.

Likewise, that depends on the coordination between the police department—the various police departments, the various Federal agencies that may well be available—and the prosecutor.

At this time, my concern is for our ability to process these cases as quickly as possible, in accordance with the quality of, and fairness of, justice that our court is proud of, and, at the same time, carry out our responsibility to the entire community, across the board, in all divisions of the court.

And I guess I will close by saying, and then I will be happy to answer some questions, that the short-term and longer-term approaches that the court can take, depend on which direction, approach, and strategy the law enforcement authorities, the police, and the prosecutors tell us—privately, not necessarily publicly—they believe they will use, and the kinds of cases that they anticipate, would be developed.

And so, as I say, we have to focus first on learning those things—the supply, the demand. All facets, across the community, have to be involved. All services that are available, both inside the court and outside the court, all of those that we can control with appropriate resources, we want to expand.

So I think maybe I will just stop there, and then, possibly expand on that in response to questions, Mr. Chairman.

Senator ADAMS. Thank you, Judge Ugast.

I do have two or three questions, and they go again to what are the responsibilities of this committee to move through a program to fund the war on the streets, for lack of a better name, that is occurring.

Do you believe that you have sufficient judicial power to handle the influx of a major number of cases? You indicated that you had pending 3,141 felonies, and if there were to be a sweep of the streets, I assume that would grow larger.

How many judges do you have to handle that, and do you have sufficient to handle an additional load if there were to be a street sweep?

NEED FOR ADDITIONAL JUDGES

Judge **Ugast**. Well, I feel I need three or four judges, right now, to handle the caseload that we now have with the facility and the speed and time that we would like to have.

Senator **Adams**. Do you have a space that they could be placed?

Judge **Ugast**. I could, yes. I have courtrooms, and in 6 months I will have more courtrooms available. I have just gotten four.

Right now, however, I could not do it. We are using senior judges and hearing commissioners, and my space is just about full. In 6 months I will have seven more courtrooms available when they will be completed. Whether they can be rushed a little more on that, I am not sure, but within 6 months I will have the courtroom space and the chamber space.

Senator **Adams**. Are you using retired, both Federal judges and retired superior court judges, as additional temporary help for the immediate problem facing you?

Judge **Ugast**. I am using retired superior court judges right now, sir, and to the best of their availability. I am using senior judges to help cover these calendars, particularly where people are ill or away.

So I am using my senior judges. Usually I have somewhere in the neighborhood of six or seven at any one time.

Senator **Adams**. Now, Judge Ugast, you can help me with this, because I can remember from being in the Justice Department, we would indict on Friday, arraign on Monday, and we were required by the fast track process to be immediately ready for trial. That did not necessarily mean it happened, because——

Judge **Ugast**. Of course, the District of Columbia was pretty fast in those days.

Senator **Adams**. We were always required to be ready.

How long does it take from arrest to disposition of a typical felony drug trial in the superior court?

Judge **Ugast**. Well, of course there are a substantial number of guilty pleas. Using the arrest figure, then it depends on how long it is going to take to indict. It normally takes at least 30 days to indict.

The U.S. attorney's office, recently, has been trying to indict a lot of the felony cases on the next day—after arrest—for a speedier process. The normal process in the past, however, has generally been an average of 30 days to indict other types of——

Senator **Adams**. In other words, we should question in the prosecutorial area whether or not they are delaying. Ours used to be a pickup and then indictment on the following Friday, but these, you say, there has been a 30-day delay——

Judge **Ugast**. In other felonies. They have been trying, with the drug cases, to indict them more quickly. That effort has been made, and is being made, I think, in a substantial number of cases.

That has helped us to process these cases. Otherwise our calendars would not be as good as they are. They are running about 250 cases—felonies—on each of those 12 major felony calendars, which are 60 percent drug cases.

It has taken us about 180 days, or a little more than that, to get them all tried. But a substantial portion of those cases end up with a disposition short of trial, and that is how we are able to keep the calendars moving as they are.

Senator ADAMS. It has been suggested that perhaps there should be a special drug court—just simply because of the experience you gain in trying these, that we all are aware that drug cases fall into a pattern very often.

Are you for or against, or do you have an opinion on that?

Judge UGAST. Well, I believe that would not be particularly productive in our situation, where 12 of our felony calendars are 60 percent drug cases. Our judges are, basically, trying drug cases day in and day out. They move a little more quickly, even though they may involve more police officers.

What I really think we should do, is to look at this, I think, Mr. Chairman, on a short-term and a longer-term basis.

Senator ADAMS. That is precisely what you can see we are faced with——

Judge UGAST. Right.

Senator ADAMS [continuing]. Is we are trying to stop the bleeding on the streets, and get control of them as a short-term problem, and we are not ignoring the long-term problem, but we have to deal with a first thing first, and that I would like to have you address, if you would, please.

Judge UGAST. What I am suggesting to you, is that if I have assurance, or believe as best I can that down the road I will have an opportunity to get some additional judges and additional resources to help me on the civil side, or the family side—although I have to be very careful—I can reallocate, for a short period of time, one or two judges from the civil side, to meet any immediate emergency that may result from the efforts of the police and the prosecutors, although I am robbing Peter to pay Paul.

What I would like to suggest is that the additional criminal calendars would be accelerated felony calendars, which would deal with drugs and violent crime—not just drugs but drugs and violent crime—and would have a required short turnaround.

Those calendars now involve all the pretrial detention cases. Under the statute, if the U.S. attorney seeks to utilize a pretrial detention request, additional hearings have to be held, and that type of calendar would be accepting those cases with a required 60 to 90 day turnaround on trial from arrest.

Under the statute, those cases must be tried in 60 days, with a 30-day extension allowed for good cause.

Well, that is my thought; for a quick turnaround I can get two judges from elsewhere, put them into hearing that kind of case, and we will speed up the process on those critical cases coming into the system.

That depends, though, I think, on what type of cases are developed by law enforcement. Are they the type of cases that will fit that process? For example, if they are drug possession cases they are going to go on a misdemeanor calendar.

So that is why I say, or suggest to you, I could do this only with the caveat that I have the best knowledge that I can get as to what focus the prosecutors and the police expect their efforts to have.

And then I will need additional judges at some point. My Civil Division is suffering with the delays right now, and I have to be very careful that the juvenile cases—which are being tried in 30 days—stay current, because you cannot overlook the juvenile side.

Senator **Adams**. I would like to have you, Judge Ugast, supply me, in writing, with your requirements on judges that you would need to pick up on your civil side, because that happens in every court in the United States—the minute you start to rob Peter to pay Paul your time to trial grows longer and longer.

I do not want you to have to think that right on the top of your head, but the committee would like to have that in writing, and if you wish to submit it orally on the 17th, so that it is more public, I would be happy to have you do it.

We will also contact the U.S. attorney's office.

As you can see, the purpose of this hearing, and what we are trying to do, is not to try to tell people like yourself, or the U.S. attorney, how to run their business. We are trying to have you tell us what will allow us to move on the battle on the streets, and what it will cost, so we can go to our colleagues and try to get the money to do that, and can explain precisely what we are trying to do, and you are a key link, as is the U.S. attorney.

I do not mean by my questions to say that you should be running your court in a different way than you are running it. You are running it. But I do want to emphasize that what I am saying is that we have to be certain there is not a bottleneck at some point, so we are arresting 43,000 people, and they are either being detained without bail, or they are being let back out on the streets to threaten people.

That is the thrust of where we are going, and I deeply appreciate your being here today—I know you make a special trip to be here—because I wanted you to testify about what you have, and then to understand what our questions—and I think hearing the other witnesses, you can see that it is very easy in this law enforcement process to say, well, the bottleneck is over here. We cannot afford that.

Judge **Ugast**. Absolutely not. And as I say, I will have my recommendations to you. Whether there are 700 police officers, if that is what ultimately is determined, or 300, and the focus, again, of what they would do, affects our needs.

And I do not want to come up here and tell you I need one thing until I know what seems to be the best projection I can make on——

Senator **Adams**. We hope to provide that for you very promptly, Judge Ugast.

Judge **Ugast**. All right.

Senator **Adams**. I am sure that the U.S. attorney, with his views on how he wishes to go and how he is utilizing charges in the Federal courts——

Judge **Ugast**. We have four grand juries going at all times and they can return indictments to either court. We want to carry out our responsibility, and be as flexible within the limits that we can, in our responsibility to——

Senator **ADAMS**. I understand, and I appreciate that, and I am also on the State, Commerce, and Judiciary Subcommittee, and I will see that matter there. This committee is not trying to be involved in someone else's jurisdiction. We just want to see that our job is done, so that your job is done.

Judge **UGAST**. That is so important, because the Marshal Service, and the prosecutorial resources, all of those are dependent, as you know, on the State, Justice Subcommittee that deals with the appropriations of the Justice Department.

All of these are a package. You cannot have just judges, you need staff, you need marshal service, you need prosecutors, indigent defense services, the pretrial services agency, probation—all of them have to be viewed, as you well know.

Senator **ADAMS**. We appreciate that information, and I will see that it is presented to that committee.

Judge **UGAST**. Thank you very much.

Senator **ADAMS**. Thank you very much, Judge Ugast.

Did you have some questions, Mr. Fauntroy?

Mr. **FAUNTROY**. I just had two questions, in two categories.

Judge Ugast, as you know our focus is on bringing Federal resources to this local problem, and accordingly I have been looking at the Court Reform Act, which we really have not touched since 1970, and that predates some of the able work on the D.C. home rule charter.

But in that regard, first of all, you pointed out that the Federal Government could be of assistance if we provided you three to four additional judges——

Judge **UGAST**. Right now.

Mr. **FAUNTROY**. Quite frankly, on the basis of what you have said, I am going to recommend seven, since you have seven spaces in 6 months.

Judge **UGAST**. There are about 700 police officers in your bill. I will be asking you for a little more if they are hired.

Mr. **FAUNTROY**. Certainly. As you know, the U.S. attorney can take the option of referring some to superior court and some to Federal court.

Are you aware of what is the basis for the judgment as to which cases go where?

Judge **UGAST**. Well, I know some of the thinking of the prosecutors from what they have stated—and again, they should speak for themselves—is the availability of new mandatory minimums, on the Federal side, with a specified quantity of an illegal substance.

There has been some thinking, I believe, that where the cases are established that, meet those tests in terms of the quantity, there well may be a decision to move certain of those charges to the Federal court.

Mr. **FAUNTROY**. Are you sufficiently aware of what load the Federal courts have in this District to determine whether or not, in your view, they could be a little more help in taking more off of you?

Judge **UGAST**. I have not talked to Judge Robinson, the Chief Judge, so I really do not know. They have 15 judges, I believe.

Their criminal caseload, of course, is nothing like ours any more, because we took it over when court reorganization came, but they do have a pretty heavy caseload.

But I have no idea what their situation would be.

NEED FOR ADDITIONAL PROSECUTORS IN THE U.S. ATTORNEY'S OFFICE

Mr. FAUNTROY. What is your judgment on the need for additional prosecutors in the U.S. attorney's office?

Judge UGAST. Any of these efforts require additional prosecutors if we are going to expand and speed up the process. If I decide I want to increase two calendars, that is going to take maybe eight more prosecutors to staff those calendars.

So I try to keep Mr. Stephens posted, and ask that we all work with all parts of the system, and not do anything unilaterally, because that does not make sense. We need to be sure that he is going to have the resources to meet the needs of the court, and to carry out the responsibilities on that side.

Mr. FAUNTROY. As you know, I am looking at an interim appeals court for the District of Columbia. What is your view on that?

INTERIM APPEALS COURT

Judge UGAST. Well, I am not as close to that as, of course, Chief Judge Rogers, although I have talked to her. It is my understanding that the court of appeals, and Chief Judge Rogers, feel very strongly that every other effort has been made to try to reduce the caseload that is so heavy.

And naturally, as our caseload has grown over the years, the caseload of the court of appeals has also skyrocketed, and the amount of time it takes to process the appeals has progressively gotten longer and longer.

So there is much to be said for that proposal, I think.

Mr. FAUNTROY. Have you considered the concept of a municipal court? A local municipal court?

Judge UGAST. I have heard that mentioned by the Council for Court Excellence, and I believe one other place.

My reaction to that, frankly, is that it might well be a step backward for us. When court reorganization was established, after much thought, the determination was made to have a totally unified court. It has worked well.

I go from small claims to major malpractice cases on the civil side, and landlord and tenant cases. I go from a certain type of traffic case all the way to murder-one on the criminal side.

I think that the reason that it has been brought up is the fact that I am having, in my Civil Division, 22 to 24 months to get those cases to trial after they are at issue.

Now, that is not as bad as some places in the country, but it is sure not ideal, and it is not what I want. I am appointing a task force that will be looking at that whole issue and will consider trying to establish more individual calendars in the Civil Division.

But I need resources. I cannot operate these divisions without a minimum number of judges in each division. Perhaps the idea of the municipal court would be to take landlord and tenant, small claims, maybe some of the less serious criminal cases. However, I am not sure just what the thought is behind the suggestion.

My own thinking is, give this court the same resources you would use to establish that municipal court and we will do the job, and do it quickly. We would give it the whole court, with judges that sit everywhere, not just in those types of matters, and address the cases which involve the community very much.

Landlord and tenant is highly sensitive. Small claims cases and the traffic cases are the person on the street's only contact, sometimes, with the court. And by having judges from the superior court, as well as hearing commissioners from our court do some of those things. We directly address the problems of our community. I think it is a resource problem more than the need for a separate court.

That is my own reaction, but I have not seen any particular plan as to just what it would encompass and how it would be set up, but I know it has been discussed.

Mr. FAUNTROY. Certainly.

Mr. Chairman, just one more series of questions.

Chief Turner, you heard him testify about Operation Clean Sweep and 43,000 arrested. He said he did not know where 27,000 were in the system, or what the disposition of those 27,000 was, in connection with Senator Mikulski's question.

Are these numbers accurate, in your view?

NUMBER OF ARRESTS FROM OPERATION CLEAN SWEEP

Judge UGAST. There is a great slip, or variance between the number of arrests and those cases that ultimately get to the court, in terms of what we call papered—either as felonies or misdemeanors—and then proceed to indictment if they are brought forward as felonies.

That is why I said to you, notwithstanding that since August 1986 there were 43,000 arrests in Clean Sweep, there are now 1,800—and some—misdemeanors pending, and there are 3,100—and some—felonies pending, and there are 800—or so—cases pending action of a grand jury.

That is all the pending criminal cases that the court has. It is a lot, but as to the other cases, my own reaction would be that they have been disposed of in all types of ways, whether they have been nolle prossed—there is sometimes a 30-percent nolle pros rate by the prosecutors—or diversion, or trim or other manner of disposition.

But the court is only holding up this number—about 6,000—of pending cases. That is the number of cases presently pending in the court.

Mr. FAUNTROY. Well, why are they pending now? Why are they still pending?

Judge UGAST. Well, they are in all stages of waiting for trial.

Mr. FAUNTROY. I see.

Judge UGAST. Or disposition.

Mr. FAUNTROY. Who is responsible for moving these cases?

Judge UGAST. Well, each judge—these are on individual calendars.

Mr. **Fauntroy**. I see.

Judge **Ugast**. I have a presiding judge of the Criminal Division, Judge Shurer, and a deputy presiding judge, who is Judge Walton, who I am about to lose to Mr. Bennett, and I have a presiding judge and a deputy presiding judge of each other division.

Their responsibility is the day to day operation of that division. The cases are assigned off the wheel, at random, to the judges, if it is a felony calendar or a misdemeanor calendar. It is up to the individual judge to manage his or her calendar as best he or she can.

We get behind and watch it as closely as we can, and help each one in doing that.

Mr. **Fauntroy**. Well, you give the judge a good going away party, because we may have to have him come back to you, from Mr. Bennett, to expand your capacity to handle these cases.

Judge **Ugast**. Our misdemeanor calendars are manageable right at the moment. If there is a change, and more emphasis on the drug user and the possessor, that could change.

I am satisfied, right at the moment, with the time which is taken to process the misdemeanor cases—around 90 days. Maybe a little bit longer than that, but over all, under the circumstances, the misdemeanor calendars seem to be working pretty well.

Senator **Adams**. Thank you very much, Judge Ugast.

We appreciate your testimony, and appreciate your coming today.

Judge **Ugast**. Thank you.

Mr. **Fauntroy**. Thank you.

Senator **Adams**. Mr. Sherman?

SHORT-TERM SOLUTIONS TO DRUG PROBLEM

Mr. **Sherman**. Mr. Chairman and Mr. Fauntroy, I would like to focus on short-term solutions, I would like to focus on the police, with whom I have been working for 20 years all over this country, and several other countries, and I would like to speak as a resident of the District of Columbia trying to raise two children here, on a street where there has allegedly been some drug dealing.

I think the two priorities are talking about how quickly we could test the effect of adding these personnel in this city, and what are the options for doing that, and I have come down to saying we ought to be talking about privatization, rather than some of the other options.

And second, what is the way in which we are going to find out whether these things are working, rather than just looking at the general trends in crime, which can be affected by many other things besides the number of police personnel.

And the answer to that problem is much greater emphasis on research and development.

When the AIDS epidemic struck us, the first line response was research, and yet no one brought that up in this city, although last summer 40 big city police chiefs, including the chiefs of Atlanta, Houston, Omaha, and the District of Columbia, petition the Congress to support more emphasis on research evaluating police strategies against drug crime in the drug bill.

Minneapolis Police Chief Anthony Bouza, pointed out that our Nation spends 10 times as much for research on tooth decay control strategies as it does on crime control strategies.

Cincinnati Police Chief Lawrence Whalen pointed out that Federal support for medical research amounts to $36 a year per person in this country, yet public safety research gets only eight cents per person.

We seem to be bound by the spirit of that popular no parking sign: "Don't even think of evaluating police strategies." Just throw money and cops at the problem and hope it will go away.

If this was a business we would not be running it that way, and I do not think that anyone should be blamed for that. I think we just need to look at this question of, what do we get when, for example, we announced Operation Clean Sweep.

Chief Turner has pronounced it a failure; Peter Reuter of the RAND Corp., has even suggested that murders may have gone up because of Clean Sweep, pushing drug dealers from one corner to the next, and increasing drug conflict.

The fact is, no one will ever know, as we would have if we had been testing a new treatment for cancer, and we would use a control test, which is standard in cancer research, but we have not done that in police research.

Now, the reason we have not done it, mainly, is because of the lack of funds to do that.

The National Institute of Justice, which was saved when LEAA was abolished in 1980, with a very small budget has been conducting a valiant effort, working in collaboration with police departments in other countries, to apply the medical research methods of controlled experimentation to evaluate police strategies, especially in the area of drugs.

But they just have not had the kind of money necessary to answer questions like, what do you get out of having officers permanently stationed within the drug market? And, what are the options if you follow the drug markets around when you start displacing them?

Now, with some small amounts of money there have been some prior research funded. In Minneapolis right now, my institute is working with the police department to concentrate the entire patrol force at 55 hot spots of crime—that would be equivalent of 2,000 officers in this city—and when those officers are not answering calls they are literally sitting in those hot spots of crime.

Not making 46,000 arrests that do not go anywhere, but providing the visible uniformed police presence that can prevent crime from happening in those particular places.

And yes, there is a risk of displacement. We are looking at that carefully, but there is also some options for using computer mapping and other techniques to get early warning identification of where the other crime hot spots and drug hot spots are developing, so that police resources can be further deployed.

No one can really say whether having more police is going to make a difference in this city. I think it really depends on how they are used, and in order for us to find out which method of using police resources is most effective, we have to adopt the controlled experimentation approach.

And so my first recommendation to this committee has a short-run and not a long-run solution, is to earmark at least 10 percent of whatever funding you provide, as additional moneys to fight the war on drugs in this city.

Earmark 10 percent of that, as an interagency transfer to the National Institute of Justice, so that it can work cooperatively with the local criminal justice agencies to design controlled experiments, and to tell us, in a very short turnaround time—in under 2 years—not 20 years—which of the alternative strategies is giving us the biggest bang for the buck.

The real question in whether we need more cops is can we get more cops very quickly, and I think that we have to take a very realistic view of this. A number of ideas have been suggested for a crash program, and one is to federalize the Metropolitan Police Department.

I do not see where that gets us any additional resources. It might get them allocated in a way that is more to the liking of the Congress, but, as you mentioned, Mr. Chairman, that raises basic questions about home rule, and it certainly does not guarantee we will have more resources.

The second idea that is already being used exhaustively is more police overtime. That strategy, unfortunately, invites injuries to police officers who are protecting themselves from great danger more hours a week than they should be.

It also invites potential abuses of the public by police officers who are strained to exhaustion.

So I do not think that is something we should be continuing to do, even though we are doing it as we speak.

The third idea of the National Guard, which certainly has the virtue of speed—it could supply a large number of troops very quickly—but it also has the disadvantage of culture conflict, for unless the individuals assigned have extensive background in inner city police work, I think we run the risk of another Kent State.

The fourth idea which you have heard extensively this morning is hiring more D.C. police. Whatever the long run merits of that idea, the fact is it is not going to happen in the short run. The lead time for recruiting, screening, hiring, and training hundreds of police officers can take over 1 year.

At the same time, hundreds of D.C. police are going to be retiring. I think Chief Turner hinted that the MPD would be hard pressed just to keep up their current strength over the next year, even with flat out recruiting drives.

Authorizing more officers, then, will certainly not mean having any more cops on the street this summer, or any time soon.

Where does that leave us?

It leaves us with one idea that has not been suggested yet, and that is contracting with private firms. Now, there are many ways in which that can be done to provide immediate action throughout the spectrum of crime control.

For example, a private prison contract, on congressionally authorized use of vacant military land, could increase prison capacity much more quickly than the current efforts have been able to do through the normal procurement process.

A private jail contract could do the same, very quickly easing overcrowding, and saving District taxpayers, like myself, $17,000 a day in fines for exceeding the population cap.

Private drug treatment contracts, doing things like, for example, establishing outpatient clinics in trailers that are stationed right in drug markets, could also move very quickly to help reduce the demands for drugs.

Most important, though, perhaps, would be private contracts for police service. This could be done in a number of ways. One would be to contract for 500 to 1,000 of the best private police officers, currently employed nationwide by the leading national security firms.

Those officers could be armed and deputized, as about 3,000 special officers are in the District of Columbia right now, or they could be unarmed civilians for certain minor jobs. They could serve the role of paraprofessionals, writing jaywalking tickets, for example, doing traffic enforcement, perhaps responding to minor complaints.

And by doing that, they could free up the Metropolitan Police officers for intensive patrol of high crime areas, and for rapid response to crimes in progress.

The advantage of that approach is speed. With expedited bidding, I think you could get those extra resources on the street by this summer, and that would not be true, certainly, in normal civil service hiring.

Another advantage which Mayor Barry alluded to is the lack of permanent commitment, because unlike a civil servant, hired, enhanced and later regretted, private contracts can be easily terminated.

Initial bids could be let for 1 or 2 years, after which they could be renewed or terminated if the drug problem had, hopefully, subsided.

The real disadvantage, I think, is potential conflict with the current police, and potential criticisms from those who believe that civil servants are more dedicated to the Constitution than private companies with a contract to keep.

That latter argument has yet to be proven with respect to private prisons or private policing firms.

And as for conflict with other agencies, the D.C. police have ample experience in working cooperatively with other agencies. I think we could hope that they would do the same with a private contract firm that would help relieve them of many of the minor duties that keep them from focusing on the war on drugs.

PREPARED STATEMENT

And so my second recommendation, and I will close with the idea of extensive use of private contracts as a short-term solution, perhaps a temporary solution, to purchase rapidly extra resources for incarceration, drug treatment, and even policing.

Senator **Adams**. Thank you very much, Mr. Sherman.

Your idea is extraordinarily interesting, and we will probably go into it at greater length later.

[The statement follows:]

STATEMENT OF LAWRENCE W. SHERMAN

Does the District of Columbia need more police officers? Would more police help reduce the District's homicide rate, or rates of other violent crime? How can police personnel be deployed most effectively against these problems? Would the National Guard, or a federalized police department, be more--or less--effective in dealing with these problems?

One reason these questions are hard to answer is that this country has invested too little in crime control research. Last summer, 40 big city police chiefs--including the chiefs of Atlanta, Houston, Omaha, and the District of Columbia--petitioned the Congress to support more research on police strategies against drug crime. Minneapolis Police Chief Anthony Bouza, speaking for the group, noted that "other disciplines bring research, experimentation and science to their problems; law enforcement must employ similar methods. Yet our nation spends ten times as much for research on controlling tooth decay as it does for controlling crime."

Cincinnati Police Chief Lawrence Whalen, also speaking at the Press Club, noted that a National Science Foundation study found "federal support for medical research amounts to $35.83 per person per year, yet public safety research now gets only eight cents per person."

It is little wonder that we are ill-prepared to cope with a crime epidemic in the nation's capital. Yet unlike the AIDS epidemic, for which our first-strike response was research, we seem bound by the spirit of that popular no-parking sign: "Don't even THINK of evaluating police strategies."

If this was a business problem, and someone proposed hiring more police, the management committee would ask, "What's the bottom line? What's our expected return on investment?" And in a few months, or years, the answer would be clear from the profit and loss statements. But in crime control, we don't even keep comparable books.

Operation Clean Sweep

Consider the major police effort to fight back against crack: Operation Clean Sweep. Chief Turner has often pronounced this effort a failure; 46,000 arrests, and both drugs and homicide have continued to increase. RAND economist Peter Reuter has even suggested that Clean Sweep helped cause the rapid increase in homicides: by driving drug dealers from one street corner to another, Clean Sweep may have provoked even more lethal conflict over drug market turf. But as I have argued in the attached Washington Post column, no one will ever be sure just what impact Operation Clean Sweep had. For unlike any new chemotherapy treatment of cancer, this innovative police attack on the cancer of Crack was not subjected to a controlled test.

If Clean Sweep had been set up as an experiment, we might be here today discussing a precise estimate of how much each additional officer assigned to that duty could affect robbery, rape and homicide. We might have good intelligence for planning our next battle in the war on drugs. What we have, instead, is a bill for millions of dollars in police overtime, and no consensus on what it bought us.

I am not blaming this on the Metropolitan Police Department, or anyone else. I am suggesting that the entire country needs to stop throwing money at drug crime, without evaluating each strategy with controlled experiments.

National Institute of Justice

In 1980, President Carter concluded that the old LEAA had thrown too much money at crime and should be abolished. The Congress, in its wisdom, preserved the two best parts of the LEAA empire: the National Institute of Justice and the Bureau of Justice Statistics. Since that time, with a budget of about $20 million a year, NIJ has been able to fund a small amount of research on the effectiveness of crime control strategies. It has single-handedly fostered a revolution in police research, encouraging controlled experiments on such basic tactical questions as arresting wife-beaters, rapid response time, patrolling neighborhoods, and the exciting new strategy of policing by address-specific objectives.

NIJ has also pioneered in the measurement of the drug abuse problem through voluntary urine tests of arrestees. It has funded research showing the concentration of crime among a small number of repeat offenders, and the implications of that fact for policing and sentencing practices.

But NIJ's work is a drop in the bucket compared to the number of questions we need to answer to win a war on drugs. And if we are serious about winning that war--in D.C. or elsewhere--then we must get serious about supporting the NIJ Research and Development efforts. So my first recommendation to you this morning is to set aside 10% of any additional

funding for the D.C. crime problem as an interagency transfer to NIJ, with authority to negotiate controlled experimentation with the operational agencies.

Minneapolis Hot Spots Patrol

What would such experimentation look like? One example is the NIJ-funded project I am currently directing (with my Rutgers University colleague, David Weisburd) in Minneapolis. This project is based on our analysis [attached to this testimony] showing that 3% of the addresses in Minneapolis produce over 50% of all calls for police service. Instead of waiting for crime to happen, the Minneapolis police are devoting all of their preventive patrol time to 55 of the highest crime locations in the city--street corners with up to 753 reported crimes a year. A one year comparison to 55 other "hot spots" of crime will tell us how much crime reduction we can expect from three hours a day of unpredictable police presence concentrated at a single place.

This same strategy is being used in D.C., in some cases even more intensely. The 5000 block of Drake Place, S.E., where 5 murders have been committed both this year and last, reportedly has been assigned a police car 24 hours a day. What effect does this have? Does it merely push the pushers around? Or does it have some preventive effect on robberies, murders, and other crimes in that block, without displacing those crimes elsewhere? With a controlled experiment, we could answer those questions. Both NIJ and the MPD have already proven that police departments can successfully perform such crucial experiments--if the funding is available for careful measurement of the effects.

Will More Cops Work?

Until such experiments are conducted, no one can say whether more police will make a difference in our current crime problems. The only previous controlled experiment, in fact, suggests that extra police will make little difference, unless they are deployed with great precision. In 1974, the Kansas City (Mo.) Police Department announced the results of an experiment in which police had been doubled in some beats and removed completely from others, producing no impact on crime. But if they had been concentrated at the hot spots of crime, the results might have been quite different—as the Minneapolis experiment may show.

My recent review of police drug crackdowns for the National Institute of Justice suggests that under some conditions, additional police presence may discourage drug dealing and reduce drug-related crime. It is not clear whether those effects are due to more arrests, or just to the sheer presence of more police officers in drug areas. But the evidence is suggestive enough to justify controlled experiments in extra police presence in high crime locations.

Non-Police Resources

It may be that such extra policing is pointless without more drug treatment, more jail and prison space, more courts, and other resources throughout the system. If that is the theory you choose, then let us test it as well. There is no reason why we cannot combine additional treatment and criminal justice resources with more police presence, and compare the effects on crime across different areas. We can even rotate the effort across areas, so that all high crime areas are served equally.

But if we are to do something about the D.C. crime problem—and fast—then we must consider how these extra resources can actually be delivered.

Where to Seek Help

Many ideas have been suggested for a crash program. One is to federalize the M.P.D. This would not give us any additional resources, although it would probably give us additional political conflicts. I am hard pressed to see what that idea would accomplish, apart from a symbolic attack on home rule.

A second idea, already used exhaustively, would be to pay current police more overtime. This strategy invites injuries of, and abuses from, tired police, who should not be expected to work permanently on the kind of schedule a Senator keeps. Both of you must keep your guard up, but the police must cover their backsides far more literally.

A third idea is the National Guard. This idea has the virtue of speed, since it could supply a large number of troops very quickly. But it has the disadvantage of culture conflict. Unless the individuals assigned had extensive background in inner city work, we run the risk of another Kent State.

A fourth idea is hiring more D.C. police. Whatever the long run merits of this idea, it is not likely to happen in the short run. The lead time for recruiting, screening, hiring and training hundreds of police can take over a year. At the same time, hundreds of D.C. police will be retiring. The MPD will be hard pressed just to keep up to current strength over the next year. Authorizing more officers, then, will almost certainly not mean more cops on the streets this summer.

The Private Contract Solution

One idea that has not been suggested is contracting with private firms. There are many ways in which this could be done to provide immediate action. A private prison contract, Congressionally authorized on vacant military land, could increase prison capacity very quickly. A private jail contract could do the same, easing overcrowding and saving D.C. taxpayers like me $17,000 a day in fines for our inhuman overcrowding. A private drug treatment contract could be let for outpatient clinics to be placed in open-air drug markets in trailers, helping to reduce demand for drugs.

Most important, perhaps, would be private contracts for police services. This could be done in a number of ways. One would be to contract for 500 of the best private police currently employed nationwide by any of the big national security firms. These armed and deputized officers--or even unarmed civilians, for some jobs--could serve the role of paraprofessionals, writing jaywalking tickets, doing traffic enforcement, and responding to minor complaints. They would then free up the MPD officers for intensive patrol of high crime areas, and for rapid response to crimes in progress.

The advantage of this approach is speed. With expedited bidding, these extra resources could probably be on the streets by this summer. That would not be true of normal civil service hiring.

Another advantage is the lack of permanent commitment. Unlike a civil servant hired in haste and later regretted, private contracts can be terminated easily. Initial contracts could be limited to one or two years, after which they would again be competitively bid. If by then the crime crisis has subsided, the funding could be reduced or eliminated. It has the same virtue as police overtime, but costs less and buys far more energetic police service.

The disadvantage is potential conflict with current police, and potential criticisms from those who believe civil servants are more devoted to the Constitution than employees of private companies. The latter argument has yet to be proven with respect to private prisons, or with respect to private policing firms. And the D.C. police have more experience working with other police agencies than any other city police force in the U.S.. They have a long history of cooperating with the Capitol Police, Secret Service Uniformed Division, Park Police, GSA and many others. One can hope that they would collaborate with a contract firm just as professionally.

So my second recommendation this morning is to **consider seriously the use of private contracts to purchase rapidly extra resources for incarceration, drug treatment, and policing.** Even if no contract police were put on the street, they could replace sworn officers now providing inside services in records, training, and internal affairs.

Where I Sit

Where you stand may depend on where you sit. So I should make very clear to you where I sit. My research is funded by the National Institute of Justice, and our publications are regularly purchased by private security firms. The University of Maryland is seeking research funding from the security firm industry, to fund projects which I might direct. But I have also received funding from many other governmental and private funding sources, and one of my largest sources of income is from law firms which could care less about these issues. My positions on these issues have been developed over many years, under many different patrons.

Indeed, my major constituency has been big city police departments, two of which currently provide our Institute with free office space for our collaborative research. If anyone is offended by the second recommendation, it will be civil service police. But among many progressive chiefs, private contracting is an appealing idea.

Summary

I also make these recommendations as a parent of two small children, living on a Northwest block with open drug dealing. I want to see fast action as much as anyone, before more innocent bystanders are shot and killed in their homes. I can think of no better way to act quickly than to contract with private firms for additional services, and to evaluate the impact of those strategies with research funding through the National Institute of Justice.

Appendix

July 25, 1988 Letter to Congress on Crime Control Research

To the President of the United States and All Members of the U.S. Congress:

We are police executives and criminologists concerned about the nation's crisis of drug abuse. We share your goal of reducing drug abuse and crime in America through major new legislation this year. But we urge you to amend the current legislative proposals.

As we understand it, none of the current proposals include new funding for action research and program evaluation. Such research is vital to winning the war against drugs. Without such research we will be merely throwing money at the problem.

We urge you to include in any new drug abuse bill substantial funding for action research administered by agencies such as the National Institute of Justice and the Bureau of Justice Statistics. That funding can help us get better answers to such tough questions as

- o How can we reduce the demand for illicit drugs?
- o Which treatment programs are most effective in keeping drug addicts from committing crimes?
- o How can we use drug tests of arrestees most effectively in planning enforcement policies?
- o What are the costs and benefits of massive police crackdowns on drug dealing locations?

Throwing more money into existing programs will not answer these and other critical questions. We urge you to invest in better strategic knowledge for winning this war.

(Signed)

Anthony V. Bouza, Chief of Police, Minneapolis, MN

Cornelius J. Behan, Chief of Police, Baltimore County, MD, and
President, Police Executive Research Forum

Lawrence Whalen, Chief of Police, Cincinnati, OH

Bishop Robinson, Commissioner of Public Safety, MD

Maurice Turner, Chief of Police, Washington, D.C.

Daryl F. Gates, Chief of Police, Los Angeles, CA

Lee P. Brown, Chief of Police, Houston, TX

William Hart, Chief of Police, Detroit, MI

Robert J. Ziarnik, Chief of Police, Milwaukee, WI

Robert Wadman, Chief of Police, Omaha, NB

Fred Taylor, Director of Public Safety, Dade County, FL

Francis Roache, Chief of Police, Boston, MA

Frank Jordan, Chief of Police, San Francisco, CA

Morris G. Redding, Chief of Police, Atlanta, GA

Robert Burgreen, Acting Chief of Police, San Diego, CA

Edward J. Tilghman, Commissioner of Police, Baltimore, MD

Allen Andrews, Public Safety Commissioner, Peoria, IL

Larry Joiner, Chief of Police, Kansas City, MO

John J. Golba, Chief of Police, Newark, NJ

Dwight Joseph, Chief of Police, Columbus, OH

John T. Moran, Chief of Police, Las Vegas, Nevada

Joe Casey, Chief of Police, Nashville, TN, and President, International
Association of Chiefs of Police

Paul Annee, Chief of Police, Indianapolis, IN

Sam Rozzi, Commissioner of Police, Nassau County, NY

Howard Rudolph, Chief of Police, Cleveland, OH

James Jievy, Director of Police, Memphis, TN

Ralph Pampina, Chief of Police, Pittsburgh, PA

Daniel P. Guido, Commissioner of Police, Suffolk County, NY

Sheriff John Duffy, San Diego County, CA, and chairman of the
legislative Committee of the National Sheriffs' Association

Reuben Greenberg, Chief of Police, Charleston, SC

Sheriff James McMillan, Jacksonville, FL

Ronald Nelson, Chief of Police, Berkeley, CA, and President of the National Organization of Black Law Enforcement Executives

Darrel Stephens, Executive Director, Police Executive Research Forum

Edward Spurlock, Commander, Repeat Offenders Project, Washington, D.C. and President, Police Management Association

Professor Charles Wellford, University of Maryland and Executive Secretary, American Society of Criminology

E. Roberta Lesh, Executive Director, Police Management Association

Alfred Blumstein, Erik Johnnson Professor of Urban Systems Management and Dean, School of Urban and Public Affairs, Carnegie-Mellon U.

Albert J. Reiss, Jr., William Graham Sumner Professor of Sociology, Yale University and former President, American Society of Criminology

Lloyd Ohlin, Touroff-Glueck Professor Emeritus, Harvard Law School

Robert Boruch, Professor of Psychology and Statistics, Northwestern U.

Arnold Barnett, Professor of Operations Research, M.I.T.

Lloyd Street, Professor of Human Ecology, Cornell University

Ronald V. Clarke, Distinguished Professor and Dean, School of Criminal Justice, Rutgers University

Richard A. Berk, Professor of Sociology, U.C.L.A.

Robert Trojanowicz, Director, School of Criminal Justice, Michigan State University

Lawrence W. Sherman, Professor of Criminology, University of Maryland

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The chiefs present expanded on the range of questions that N.I.J. and B.J.S. research and development could answer:

1. What is the most effective combination of treatment, enforcement and education responses to early adolescent drug abusers?
2. Can drug tests of arrestees predict their criminality while free pending trial?
3. How effective are police drug awareness programs in schools at reducing juvenile drug abuse?

4. Can drug treatment reduce the volume of crimes committed by drug users?

5. What is the cost-effectiveness of different drug treatment programs, such as methadone maintenance, in reducing crime?

6. How effective are different kinds of criminal sentences in disrupting drug distribution networks, such as

    - o incarceration
    - o intensive supervision probation
    - o regular probation
    - o community release conditioned on drug-free status
    - o asset forfeiture

7. How effective are arrests of drug purchasers in reducing the demand for drugs?

8. Do policies of not arresting drug purchasers encourage more people to buy and use drugs?

9. How dangerous to the police are different drug enforcement strategies and tactics?

10. What are the crime reduction effects of saturation patrol of drug-dealing hot spots on public streets?

11. Are drug market crackdowns more effective with frequent changes in locations than with long-term targets?

12. How else can we reduce the crime and deterioration neighborhoods suffer because of visible drug markets?

13. How can we reduce the homicide and violence caused by turf conflicts over drug markets?

14. To what extent do police drug crackdowns encourage or discourage such conflicts?

15. Can public service television announcements by famous people be an effective way to reduce teen-age interest in drugs?

16. What are the most important steps employers can take to create drug-free workplaces, such as

    - o drug testing
    - o anti-drug seminars
    - o undercover investigations

- o employee drug treatment programs
- o better workplace morale

17. How accurate are the profiles of drug couriers used to identify suspects for questioning at air and train terminals? On what data should the profiles be based?

18. What new ideas for fighting drugs could be developed and tested by consulting with such diverse groups as schoolteachers, advertising professionals, clergy, line police officers, and drug users?

19. Why do some people stop using drugs after a few minor experiments, while others go on to frequent and more serious drug abuse? What policy initiatives could be developed from those reasons?

20. When enforcement succeeds in driving up the price of drugs, do drug users commit more crimes to pay the higher prices? If so, is such a strategy justified by the benefits of pricing potential or occasional users out of the market?

"Answering these and other questions could help our nation develop a coherent policy on drug abuse," Chief Bouza said.

BIOGRAPHY OF LAWRENCE W. SHERMAN

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EDUCATION:
Yale University (Sociology), M.A. 1974, Ph.D., 1976
Cambridge University, Diploma in Criminology, 1973
University of Chicago (Social Science), M.A., 1970
Denison University (Political Science), B.A., 1970

HONORS:
Phi Beta Kappa
B.A. with High Honors
Pi Sigma Alpha (Political Science Honorary)

EDUCATIONAL EMPLOYMENT:

Professor of Criminology, University of Maryland at College Park, 1984-present.

Seth Boyden Distinguished Visiting Professor, Rutgers University, Spring Semester, 1987

Associate Professor of Criminology, University of Maryland at College Park, 1982-1984.

Associate Professor, Graduate School of Criminal Justice, S.U.N.Y. at Albany, 1979-1982. Tenure Awarded May, 1980.

Assistant Professor, Graduate School of Criminal Justice, S.U.N.Y. at Albany, 1976-1979.

RESEARCH
EMPLOYMENT: President, Crime Control Institute (since 1985) and Crime Control Research Corporation (since 1981)

Vice President for Research, Police Foundation, 1984-1985.
Director of Research, Police Foundation, 1979-1984.

Project Director, Criminal Justice Research Center,1978-80.

Executive Director, National Advisory Commission on Higher Education for Police Officers, 1976-1979.

Associate-in-Research, Department of Sociology, Yale University, 1974-1976.

Program Research Analyst and Projects Director, Office of the Police Commissioner, New York City Police Department, 1971-1972.

Alfred P. Sloan Foundation New York City Urban Fellow, Office of the Mayor, Corrections Commissioner and Police Commissioner, 1970-1971.

SELECTED PUBLICATIONS

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__________, Patrick R. Gartin, and Michael E. Buerger, "Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place" Criminology, Feb. (1989)

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__________ "Causes of Police Behavior: The Current State of Quantitative Research," Journal of Research in Crime and Delinquency 17, 1:69-100 (1980)

__________ "Three Models of Organizational Corruption in Agencies of Social Control," Social Problems. 27,4:478-491 (1980).

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__________ "Reducing Police Gun Use: Critical Events, Administrative Policy and Organizational Change," pp. 98-125 in Maurice Punch, Ed., Control in the Police Organization. Cambridge, Massachusetts: M.I.T. Press. (1983)
[Cited by U.S. Supreme Court in Tennessee v. Garner, 1985]

__________ and Robert Langworthy "Measuring Homicide by Police Officers," Journal of Criminal Law and Criminology 70, 4:546-560 (1979).

FUNDED RESEARCH

Over $6 million in support from National Institute of Mental Health, National Science Foundation, National Institute of Justice, Ford Foundation, Smith Richardson Foundation, McKnight Foundation, Dayton-Hudson Corp.

SELECTED SERVICE ACTIVITIES

Associate Editor, Criminology, 1984-87, 1987-90; Editorial Board, Journal of Criminal Law and Criminology, 1981-present; Executive Editor, Security Law Newsletter, 1981-present

National Academy of Sciences/ National Research Council
  Ad Hoc Committee on the Future of Justice Department Research, 1982
  Working Group for Conference on Communities and Crime, 1987

Completed Ph.D. dissertations: committee chair for 4, member for 6

Extensive press interviews: McNeil-Lehrer, Nightline, Today, CBS and ABC Network News, New York Times, Wall Street Journal and over 100 local media.

[From the Washington Post]

WHY 'CLEAN SWEEP' SHOULDN'T BE CONDEMNED

After two years and 43,000 arrests, D.C. Police Chief Maurice T. Turner Jr. pronounced Operation Clean Sweep a failure in the war on drugs. But such crackdowns, depending upon how they are used, may be far more effective than standard patrol assignments.

Three years ago, National Institute of Justice Director James K. Stewart asked the University of Maryland to review crackdowns to see whether they have "residual deterrence" or a bonus of crime reduction after they are over. We concluded that although few crackdowns work for long periods, the effects of those that are brief seem to wear off slowly.

We reviewed 18 crackdowns in the United States and abroad. Fifteen appeared to create initial deterrence, including three that seemed to reduce the targeted crime for six months or longer. In seven of the 10 long-term crackdowns that seemed to initially deter the crime, effects wore off shortly, sometimes despite continued high levels of police presence. All five cases for which we had post-crackdown data showed a bonus of continued deterrence well after the operations had ended.

For example, when the San Diego police experimentally suspended field interrogations on one beat in 1973, it took up to three months before crime increased substantially. When New Zealand and English police mounted well publicized drunk-driving crackdowns for two to four weeks, accidents went down markedly; in two cases, they stayed down afterward for as long a time as the crackdowns had originally been in effect. When D.C. police suspended weekend crackdowns in Georgetown in 1985, months later most pedestrians in the area thought they were still in force.

As a rule, though, long-term crackdowns seem less effective. When police were put on every New York City subway in 1966, for example, crime dropped substantially at first, but then continued to increase at the same rate as it had before the initiative. When Lynn, Mass., police instituted a four-year crackdown on street dealing in heroin in 1983, robbery declined by 28 percent the first year, but in three years the rate had doubled.

Only three long-term cases showed no apparent decay in effectiveness: the Mayfair Mansions and Hanover Place drug crackdowns in the District and a prostitution crackdown in London, England. All three cases focused on small geographic areas, suggesting that crackdowns may work better when target zones are limited.

Our review suggested not only that crackdowns work better when of limited duration and scope but that they should be rotated. Police should get in, show force, get out, leave the criminals wondering if they're still there and come back by about the time the criminals have figured out they've left. Meanwhile, they have done the same thing at two other places, with the same number of officers as they would have had to use to maintain a continuous crackdown in one place.

One of the main criticisms leveled at crackdowns is that they don't solve problems but just move them around. It's true that displacement seems to occur more with some kinds of crimes than others. Washington's drug markets, in particular, were often reported to have just relocated in reaction to Operation Clean Sweep. Studies, however, rarely show 100 percent displacement from crackdowns and sometimes show no displacement at all.

Yet Turner condemned Operation Clean Sweep. Clean Sweep (which seemed to have used rotating short-term crackdowns across different areas) succeeded in arresting many people on drug charges and in reducing the visibility of street dealing in some neighborhoods, if only for short periods. At about $600 per arrest, it efficiently incapacitated many active offenders. To judge it a failure ignores three key questions:

- What impact did the crack epidemic have on Clean Sweep results?

Clean Sweep began just about the same time crack arrived in Washington. Crack's low price may have substantially expanded the drug markets just as the police were putting on new pressure to suppress them. Clean Sweep "failed" to control drug use only if the market has remained unchanged for the past two years—and clearly it hasn't.

- How much growth in drug use would there have been without Clean Sweep?

The Clean Sweep experiment had no control group, so we will never know. But it is arguable that hundreds more teen-agers might be using crack now if it hadn't been for the deterrent effect of those 43,000 arrests. If Clean Sweep made it even marginally more difficult to buy crack, it may also have slowed the spread of drug use.

- What is a realistic goal for crackdowns such as Clean Sweep?

No government program could be expected to eliminate a problem as complex as drug abuse and crime. But it is possible to set realistic objectives, such as reducing drug use more than it would be reduced without the program. In a big city, reductions of 10 or 20 percent can mean thousands of lives improved and tens of thousands of crimes prevented. And even if Clean Sweep didn't reduce drug use, for my tax dollar, a goal such as making the streets safer by controling drug violence is well worth pursuing.

Police can and should mount crackdowns with clearer definitions of what is to be considered a success. But Operation Clean Sweep's "failure" to eliminate drug abuse should not lead us to give up crackdowns. Instead, we should be evaluating them in scientifically controlled tests. The Food and Drug Administration requires such tests for all cancer treatments. We should put at least as much effort into testing our strategies against the cancer of drug abuse.

—*Lawrence W. Sherman*

is a professor of criminology at the University of Maryland and the author of a National Institute of Justice review of the effectiveness of police crackdowns.

STATEMENT OF DR. KARST BESTEMAN

Senator **Adams**. Dr. Besteman?

Dr. **Besteman**. Thank you, Mr. Chairman.

I appreciate the invitation to testify, and I am going to concern myself basically with two issues. One is a bit about the nature of cocaine dependence, particularly when it is smoked as crack, and second, to look at the District of Columbia as, is it a sort of a unique situation, or is it just part of a national pattern.

Because I think in some of the discussion that went on this morning, at times there were references to our national scene, and at other times it was as though, well, the District is really unique.

I am not going to address the law enforcement issue. In my 31 years in the field, I have approached drug addiction as a public health problem. I have not been an enforcement officer, and I think that Senator Kerrey said something very significant toward the end of his remarks, when he pleaded, that, engage us in the solution of the problem.

I think one of the problems we have had in dealing with drug abuse as a law enforcement issue is we have not engaged the community in the solution to the problem.

It is extraordinarily difficult for me as a citizen of the District, to believe that I want to go out and actively confront someone who is involved in illegal activity and armed. That is a job for the police.

If I see drug abuse as a public health problem, in which every individual citizen has some responsibility, for the general well being of the community, there are things that I can engage in.

As to cocaine addiction, and why the crack addiction is so powerful, I think that Dr. Tuckson's mention of the extreme euphoria is the key. Cocaine plays on the most responsive pleasure centers of our brain. It is, to that extent, the most powerful reinforcing drug that we know of, of all the drugs.

Coupled with that is, immediately after this extraordinarily pleasurable feeling, the subject who has taken the cocaine experiences dysphoria, or displeasure, and it leaves the person feeling unhappy, anguished, in a worse mood, with a reason to go back and try some more drug, because who wants to feel bad?

If one starts to withdraw from the drug, depression often sets in, and that is whether you withdraw on your own or if you are in a treatment program. A fairly substantial depression occurs.

And if you use cocaine long enough you deplete so much dopamine that you no longer have the ability to experience any pleasure, even if you do something that you normally have experienced pleasure. So you are left with this awful emptiness behind using cocaine.

Now, this puts you in the risks of repeated use, and those risks are substantial. They include overdose, hypersensitivity to cocaine which will set off hypertension, major convulsions, cocaine will cause paranoia, and a lot of homicides flow out of the misinterpretation of other people's motives.

They will cause enough depression so that people will suicide, and we do not often think about cocaine as impairing judgment. We are quite comfortable with that concept around alcohol, but cocaine does impair judgment, and can cause accidental death.

Dr. Tuckson mentioned that a lot of cocaine abusers are using the drug by needle. This brings into play all of the bloodstream infections, including AIDS.

Accepting the premise that cocaine is very attractive, and crack is the most attractive manner of taking the drug, how does Washington look in comparison to the rest of the country? And attached to my testimony are some charts which list 19 cities and the State of Texas, and then three graphs that I think sort of summarize it very quickly.

The three graphs cover, first, the Northeastern region, and you see that New York, Philadelphia, and the District of Columbia are the three that have the high continuing upslope in the chart, but other cities, such as Detroit and Chicago, have experienced similar things, and if you look on the final chart, Los Angeles is a very high curve.

Just for comparison, there was in the Government's publication a single graph of Seattle, and if you will look at the chart you will see that while the numbers are much lower than the District of Columbia, the curve takes off very dramatically, even in Seattle where you go from less than 30 cases in as late as 1982, to over 250 cases in 1987.

So that crack and cocaine are spreading themselves nationally.

Now, the question keeps coming up, I think, and it was buried in the discussion, do we have more violent people in our community who are using this drug, and, therefore, creating all this murder, or do we have the drug evoking or provoking more violent behavior?

And I think if you look at the difference of what is happening in the District today versus during the early 1970's, which was the last time that crime was the motivating force to look at the drug situation from the Federal Government to the District.

Heroin was the prominent drug then. Heroin is a magnificent tranquilizer. Heroin takes away your anxiety, and allows the outside world to disappear. You lose your worries and your concerns with things outside of you.

It is a very satisfied feeling.

Cocaine, on the other hand, makes one super alert, things become more vivid, and if you push hard enough in dosage, you get that psychological change of suspicion, which can lead to misinterpretation.

So both explanations can have validity. I think, in fact, the streets are just generally more violent today than they were 20 or 30 years ago. I worked with heroin addicts in all the streets of the major cities of America in right at about 1960—name it, New York, Detroit, Chicago, et cetera, this city—never felt uncomfortable and never felt threatened.

Today, even without drugs, there are just so many more people out there who are heavily armed, and who are willing to use force. And on top of that, I think, then we have the presence of cocaine driving the violence.

The question was asked, by you, Mr. Chairman, do we have a cure for cocaine? I think we have to say about cocaine what we say about every addiction: If you have an addiction, you are never cured. You can never again use the drug of the addiction safely. You always have to think of yourself as in recovery.

Therefore, I have to get through today without the drug to which I was addicted.

Are the treatment methods that we have now effective with people who are on crack or cocaine? The answer is yes, there are effective treatments that are the same treatments that we have used since the late 1960's with heroin addiction.

Are they as effective as we—with the exception that we do not have a maintenance drug line methadone, and we do not have an antagonist. The brain chemistry of cocaine is much more complex.

There are two predictors of how well anybody is going to do in treatment, no matter what drug they are addicted to—and if you want to spread addiction wide enough, I will include tobacco in this, and alcohol, and all the illicit drugs—and the studies all the way back to the mid-1930's confirm this.

If the patient has a job, and if they are well educated, they have a much higher probability of successful posttreatment adjustment. And anybody would say, of course, that makes perfectly good sense, because what that shows is basically that before the addiction took hold, the person had social and emotional stability to accomplish things.

So that, one of the things that Dr. Tuckson said was extraordinarily important. We are quite successful at treating people who have prior good social, educational, and vocational skills.

We have historically been much less successful with treating people who are not well educated, who are school dropouts, who are not skilled for employment, and who carry with it many other social disadvantages, very often.

The term that has been coming up is the underclass, and in the United States that means a very disproportionate number of minorities of color.

But yes, there are treatment modalities available.

Cocaine addiction is a tougher treatment problem than heroin addiction, and heroin addiction is not an easy treatment problem, but we do have the treatment capacity to address it.

What we have to understand is that for the last 13 to 14 years this country has not had any excess treatment capacity into which people could go when they wanted to seek treatment. Our treatment system, particularly publicly funded, is full, and still is today, in spite of the increases that have come out of the 1986 and 1988 initiatives which the Congress took.

So that people who want to go to treatment in this community have trouble finding treatment, and this is not just unique to the District, this is true in other major metropolitan areas.

But one of the things that I would urge is that in looking at what can the District do, totally, in response to this, is look beyond the criminal justice reaction.

PREPARED STATEMENT

Look to the fact that back in the early 1970's, when changes were made here in the District, in addition to very clear law enforcement and court reform, and everybody getting that system lined up and active, there was a massive expansion of treatment capacity in this city, so that people who wanted treatment could go to treatment, and stop their addiction, and, therefore, get out of the repetitive crime pattern.

Thank you.

[The statement follows:]

STATEMENT OF KARST J. BESTEMAN

Mr. Chairman

I appreciate the invitation to testify before this committee. The drug abuse situation and particularly the problems caused by and associated with the use of cocaine have been a high priority within the professional community represented within the Alcohol and Drug Problems Association. This concern is fueled by the national scope of the problem.

The Alcohol and Drug Problems Association (ADPA) is composed of states, private and public treatment and prevention programs, state associations, and individuals. ADPA has as its highest priority the development and implementation of effective public policy and strategies designed to reduce the use and abuse of illicit drugs and to reduce the hazardous use and dependence on beverage alcohol. ADPA was organized in 1949. It approaches alcohol and drug problems as major public health problems.

I have worked in the addiction field for thirty-one (31) years. I have held senior federal posts including a seven year assignment as the Deputy Director of the National Institute on Drug Abuse. For the last five years I have functioned as the Executive Director of the Alcohol and Drug Problems Association.

I will address two issues. First, what is the nature of cocaine dependence, particulary when smoked as "crack". Second, I will compare the problems index from the District of Columbia with similar data from other cities.

Dr. Sidney, M.D. D.Sc., a noted researcher and writer on the subject of drug abuse in monograph Cocaine: The Bottom Line listed four reasons why cocaine is a compelling drug.

> "(1) The euphoria is extreme, very much like euphoria produced by direct electrical stimulation of the reward centers of the brain...."

(2) The dysphoria (displeasure) that occurs after frequent use leaves the person unhappy, anguished, and in a worse than usual mood...."

(3) The withdrawal depression can be substantial...."

(4) After a cocaine run of many hours or days, the dopamine stores are exhausted and the threshold for feeling pleasure is elevated. This means that ordinary pleasures cannot be experienced...."

Given these reasons to continue the use of cocaine the person using the drug enters a zone of risk that includes: overdose, hypersensitivity to cocaine, hypertension and cerebral hemorrhage, major convulsions, homicide (paranoid suspicions), suicide (depression) and accidental death (impaired judgement). If the abuser uses a needle and syringe to inject the drug additional risks of blood stream infections and AIDs occurs.

Accepting the premise that crack cocaine is an attractive highly reinforcing and addictive drug, is there data which demonstrators that the situation in the District of Columbia is qualitatively different from other major metropolitan areas? In my opinion the pattern of drug use, the drug casualties, and the drug problem indicators parallel data from other urban centers across the nation. I have attached a summary section from the June 1988 Proceeding of the Community Epidemiology Work Group. These expert informants with support from the National Institute on Drug Abuse monitor trends in drug abuse across the nation. The first table summaries information from 19 cities and the state of Texas. (Exhibit 1, 2 pgs.) (There is a written summary of the chart on pages 1-29 to 1-35). The city summary section attached on cocaine reinforces the national perspective on the increased role cocaine is playing in drug abuse.

Additionally, I have displayed three charts which trace the trend in cocaine mentions from hospital emergency rooms for 14 communities. (Exhibits 3,5,7,) The charts show significant increases for New Orleans, New York, Philadelphia, District of Columbia, Detroit and Chicago.

With this data showing a persistent national trend, is there an explanation of the apparent association of murder and crack trafficking and use? The issue is basically: are more violent people now trafficking in and abusing cocaine or is cocaine causing users and traffickers to behave more violently?

Both explanations have credibility. Certainly the willingness for young men to settle disputes with guns seems more prevalent than 10 or 20 years ago. This behavior extends beyond direct drug activities.

The nature of cocaine to impair a person's ability to perceive accurately can and does contribute to this situation. One of the common misperceptions of a person under the influence of cocaine is to interpret the world as hostile and threatening. Random or innocent actions are seen as being designed to harm and defensive "first strike" action is initiated in the belief of eminent danger. This has been known and observed clinically for many years.

Patients have reported elaborate defensive actions under the misapprehension of the danger of discovery and arrest. They defined differences between cocaine and heroin consumption in attitudes and behavior. The most vivid difference described to me was the ability of heroin to totally remove worry and apprehension. Cocaine was described as energizing, making life come alive, colors vivid, and increasing alertness. With a slight nudge from the drug or from the basic personality of the user, alertness becomes suspicion, and suspicion increases to paranoia. The "nodding" of heroin addiction is changed to an alert vigilant cocaine induced state.

Treatment for cocaine dependence is evolving very rapidly. There are several traditional drug treatment regimens which seem useful for segments of the cocaine dependent populations. Cocaine Anonymous has grown and flourished as a mutual help movement.

Traditional twelve-step residential programs emphasizing the abstinence model are being successfully utilized by employers in dealing with and restoring cocaine dependent employees to full productivity.

The therapeutic communities such as Second Genesis, Day-Top-Village, Marathon House, and Gateway are all dealing with cocaine addicted residents. A few sites around the county are working on out-patient models frequently with the use of therapeutic drugs designed to deal with depression, brain chemistry replenishing or reduction in cocaine craving.

No single therapy is so potent as to have pushed its way to the forefront. The National Institute on Drug Abuse has been supporting early clinical trails to help define effective treatment. There is as yet no identified cocaine antagonist. While the scientific community is active in this area the probability of an early identification of an effective pharmacology for cocaine is probably several years away.

CEWG

COMMUNITY EPIDEMIOLOGY WORK GROUP

EPIDEMIOLOGY OF DRUG ABUSE IN THE UNITED STATES AND EUROPE

PROCEEDINGS JUNE 1988

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service
Alcohol, Drug Abuse, and Mental Health Administration

Division of Epidemiology and Statistical Analysis
National Institute on Drug Abuse
5600 Fishers Lane
Rockville, Maryland 20857

For Administrative Use Only

EXHIBIT 1

PRECIS
1987* CEWG CITY HIGHLIGHTS OF KEY ABUSED DRUGS

	COCAINE	HEROIN	MARIJUANA	OTHER DRUGS OF NOTE
Atlanta	152 Deaths; ERs up 86%; 30% of TXs; Kilo price down to $20-28K; 90% pure	Health indicators low, but purity & availability increased; 17% of TXs; Speedballing common	Involved in 18% of drug-deaths; Second to cocaine in ERs; Mostly domestic	Methamphetamine widely-available; Diazepam ERs down
Boston	ERs up 86%; 37% of TXs; Kilo price $12-16K; 90% pure	ERs up 31%; 46% of TXs; Significant purity increase	ERs up 51%; TXs down; Low supply; High-THC Jamaican	Diazepam ERs stable
Buffalo	ERs up 158%; 32% of TXs; Kilo price down to$15K; 88% pure	ERs up significantly	22% of all TXs	Diazepam ERs up 46%, used with codeine; Hydromorphone ERs up
Chicago	ERs up 73%; 18% of TXs; Kilo price down to $20K; High quality	ERs up 30% ; TAs declining, but slots at capacity	ERs up 36% ; TXs up; High prices; Many grades	PCP ERs up 22%, widespread smoking; Diazepam ERs slightly down (7%)
Colorado	ERs slightly up; 30% of TXs; Price stable at $75-$100/gram; 40% pure	ERs down 42%; TXs down slightly to 16%	Decline in new users; Mostly domestic supply	Diazepam ERs down 11%; LSD ERs up 14%;Methamphetamine related to street crimes
Detroit	Detected in 38% of deaths; ERs up 80%; 1/3 of TXs; Kilo price down to $15-20K; 95% pure	240 deaths, but declining in 1988; ERs stable; increased availability and purity	ERs up 35%; Large transshipment conspiracy	Diazepam ERs down 9%; leads Nation in per capita distribution of codeine
District Of Columbia	48 deaths (up 500%); ERs up 122%; 35% of TXs; $100/gram; 20% pure	Record 171 deaths; ERs up 37%; 31% of TXs tested positive;purity up; stable prices	ERs up 165%; High-THC; Widespread PCP-lacing	PCP ERs doubled, most in Nation; Hydromorphone involvement in cocaine-deaths up
Los Angeles[2]	360 deaths; ERs slightly down; 16% of TXs; Seizures up	Deaths stable; ERs down 31%; 42% of TXs; Seizures are up	ERsdown 26%; TXs, supplies, seizures down; Prices up	Deaths down for amphetamines (214), PCP (35), diazepam (14); ERs down for PCP & diazepam
Miami	Monthly deaths down to 2.2; ERs down 10%; 69% of TXs; Kilo price $10K; possible adulteration	Minimal health consequences; Poor quality	TXs down; Supplies down; Prices doubled	Diazepam ERs down 12%
Minneapolis	24 deaths; ERs up 53%; 54% of TXs; Kilo price down to $20-30K	ERs up 51%; full-capacity methadone programs	Declining TXs; Stable supply; High prices	Amitriptyline ERs up 23%; 300 opium addicts

Newark	Detected in 80 homicides; ERs up 88%; 24% of TXs; $40 per 1/2-gram; 60-80% pure	ERs up 127%; 58% of TXs; Increased snorting of high-quality p-dope	ERs doubled; High-quality; Ready supply	Codeine ERs up 64%; Glutethimide ERs up 81%, comprise 1/2 of Nation's glutethimide ERs
New Orleans	ERs up 323%; 28% of TXs; Kilo price $20-30K; 90-98% pure	ERs up 488%; 20% of TXs; Low purity; Stable prices	ERs up 53%; Stable prices	PCP abuse still high among youth; Diazepam ERs up 43%; Hydromorphone ERs up 236%
New York	222 deaths; ERs up 39% ; 37% of TXs; Kilo price $11-25K; 80-90% pure	781 deaths (up 30%); ERs up; 41% of TXs; High-quality Southeast Asian dominates	Stable heath indicators; Ready availability	Diazepam ERs down 31%, TXs low; PCP ERs down 43%, TXs low; Glutethimide & hydromorphone available, indicators low
Philadelphia	70 deaths in 4th quarter; ERs up 185%; 44% of TXs; Gram price stable at $70-$100	ERs up 76%; 14% of TXs; Wide purity range	Continued availability; Stable prices	Diazepam & methamphetamine ERs stable; Glutethimide in 44 decedents, ERs up 32%
Phoenix	21 deaths; ERs up 108%; 29% of TXs; $800-$1200 per ounce; 85% pure	29 deaths (down 40%); ERs down 13%	ERs up 316%; Increasing THC & supply; Wide-spread PCP-lacing	Diazepam ERs stable;Methamphetamine: 3 deaths, ERs up 281%, biker gang labs; ERs doubled for speed, PCP, LSD; Oxycodone use in U.S. top-5
St. Louis	ERs up 86%; 9% of TXs; Ounce price down to $1800; Purity up to 80-90%	ERs up 60%; 22% of TXs; Increased speedballing	Large domestic crop; High -THC; PCP-lacing	PCP ERs up 387%, topping cocaine; Diazepam problem continues, but stable
San Diego	12 deaths; ERs up 23%; 312 TXs	Involved in most drug deaths - (75), though declining;20 % of TXs; Seizures down	ERs up 61% ; Arrests declining; Increased seizures	Methamphetamine #1 ER (up 156%), 46% of TXs, large seizures; Diazepam ERs down 8%; Record sed/hyp-OD deaths
San Francisco	47 deaths in 1/2 year; ERs up 15%; 24% of TXs; Increased arrests	Deaths down to 33 (1/2-year); ERs down 43%, but still most frequent mention; 48% of TXs	Not reported	PCP ERs up 93%; 25 (1/2-year) stimulant deaths , arrests down; Diazepam ERs down 31%
Seattle	5 to 8 deaths per quarter; ERs up 92%; $900-$1000 per ounce; 55-90% pure	42 deaths (up 45%); Black tar prices declining; Increased speedballing	ERs up 69%; Wide-spread homegrowing; High-THC	Diazepam ERs down 10%;Methamphetamine ERs up 275%, increased lab activity;LSD ERs up 127%, prices down
Texas	20 deaths; ERs doubled; 18% of TXs; Kilo price $17-35K	21 deaths (down 52%); ERs down 19%; 22% of TXs	ERs doubled; Large domestic crop; Wide price range	Methamphetamine ERs up 53%; amphetamine IV use up; large stimulant lab seizures

*All data are for 1987; percentages of increase are over 1 year; DAWN ER data reflect actual and imputed mentions for a consistent panel of reporting hospitals.

ERs = emergency room mentions
TXs = treatment admissions

CITY SUMMARY*

COCAINE

Atlanta--Cocaine remains the most widely abused drug, and crack abuse has reached epidemic proportions. Overdose deaths increased from 13 to 33 from 1985 to 1987. Total overdose and cocaine-related nonoverdose deaths increased from 92 to 152 in that period. In a major hospital, cocaine was detected in 56 percent of toxicological tests performed on ER admissions in 1987, compared to 46 percent in 1986. It was the most frequently reported primary drug of abuse among treatment clients. The percentage of clients citing cocaine as their primary problem increased from 27 to 30 percent from 1986 to 1987. Over 90 percent of calls at the intake facility are crack related.

Cocaine-related arrests have increased fourfold in the last 3 years. Crack sells on the street in "25-cent" and "50-cent" chips ($25 and $50), in $10-bags, and in "bombs" of 150 bags. While purity has increased slightly, cocaine hydrochloride prices have dropped dramatically, from $35,000-$45,000 per 90-percent-pure kilogram in December 1987, to a current $20,000-$28,000. Street prices have remained $90-$100 per gram, with a slight purity increase from 25-35 percent in December to a current 20-50 percent. The main cocaine and crack suppliers are the south Florida "Miami Boys" network. Smaller Jamaican "posse" gangs, who employ adolescents, have also established crack houses.

Boston--Cocaine ER mentions increased from 355 in 1983 to 553 in 1986. During the first three quarters of 1987, cocaine mentions increased 83 percent over the comparable time period for 1986. During the first three quarters of FY 1988, 37 percent of treatment admissions reported cocaine as the primary drug problem.

Cocaine purity is 80 to 95 percent. Currently, the kilogram cost is $12,000-$16,000, compared to $33,000 in 1986. Crack is not widely available, but is sold for approximately $10 a vial.

In the last 3 years, there has been more than a 2,000-percent increase in arrests for cocaine trafficking (possession of at least 28 grams). Much of the trafficking is done by independent dealers, although a small portion is operated by Jamaican gangs. Cocaine represents 35 percent of the State's drug seizures. Approximately 150 pounds of cocaine were seized statewide between June 1986 and June 1987. Cocaine sources include Miami, New York, and Central Falls, Rhode Island.

Buffalo--The medical examiner reports nine cocaine-related deaths in 1987, three of which were cocaine-induced. Cocaine ER mentions doubled from 1986 to 1987,and cocaine continues to rank highest in frequency of ER mentions. Inpatient treatment admissions increased but, while cocaine was the most frequent primary drug of abuse in the first half of 1987, it was surpassed by heroin in the last half of that year. Cocaine continues to rank highest in outpatient admissions, with 32 percent of clients listing it as the primary substance of abuse. Injection remains the principal route of administration, but use of the freebase method is increasing. Inhalation is the most frequent method of ingestion among the outpatient population.

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*DAWN ER data reflect actual and imputed mentions for a panel of reporting hospitals during 1985-87; Miami ER mentions are substantially understated because a major DAWN hospital did not meet the quality assurance standards for the 1985-87 period.

Cocaine remains readily available at declining prices for large quantities. Kilogram prices average $15,000 at 88-percent average purity. Gram quantities average $100 with 40-60 percent purity. Quarter-gram bags are available for $25. Cocaine is available mostly in the hydrochloride form. Crack remains scarce. Freebase crystals (rocks) are prepared by home methods.

Chicago--Epidemic levels of health consequences resulting from cocaine abuse appear to have continued. Since 1984, it has surpassed all other single substances in contributing to ER episodes reported to DAWN. Mean quarterly mentions have increased from 179 to 408 to 706 in 1985, 1986, and 1987, respectively. Yearly ER mentions have practically doubled each year for the past 3 years. Cocaine accounted for 18 percent of public treatment admissions through 1986, a ninefold increase over 1978.

High-quality cocaine continues to be available at declining prices. Kilogram prices have dropped to an all-time low of $20,000; ounce prices have dropped to as low as $1,100; and street-level grams are often less than $80. The only exceptions to this trend are the small $10-$25 bags sold to primary narcotics addicts in heroin-copping areas.

Crack has still shown no significant impact, but freebase smoking continues among some minority drug-using groups who process the hydrochloride themselves.

Colorado (statewide)--Cocaine ER mentions have increased from 33 in 1978 to a projected 468 in 1987. During the last half of 1987, cocaine treatment admissions accounted for about 30 percent of admissions and represented the largest single group in treatment.

There has been a downward trend in cocaine inhalation, while smoking has increased. Cocaine is readily available on the streets of Denver despite seizures of [illegible]-10 kilograms per week. Street purity is 40 percent, and prices have remained steady at $75-$100 per gram.

Crack is becoming the most serious drug problem in northwest Denver, especially in the black community. Crack is being distributed by Los Angeles gangs and sells for $10-$20 a rock.

Detroit--A 4-year ME study of homicides, overdoses, suicides, and accidents detected cocaine in 38 percent of 1987 decedents, compared to 13 percent in 1984. Cocaine has been the top ER drug mention since 1986, now accounting for over 25 percent of all mentions. In the third quarter of 1987 there were 1,107 mentions, compared to 265 in the same quarter 2 years earlier. The recent treatment admissions trend of doubling each year seems to be slowing. Primary cocaine abusers constitute almost one-third of all treatment admissions in Detroit/Wayne County and 16 percent of statewide admissions. During the first period of Drug Use Forecasting System (DUF) testing (June to November 1987), 53 percent of felony arrestees tested positive for cocaine.

Crack constitutes 13 and 6 percent of Detroit and statewide admissions, respectively. The time period between first use and treatment admission for crack users tends to be shorter than for cocaine users.

Cocaine is widely available both in the powder and crack forms. Price continues to decline, and purity is rarely below 95 percent. Ounce-level prices are as low as $700 in Detroit and $1,200-$1,500 statewide. Kilogram prices are about $26,000, and multiple-kilogram prices are $15,000-$20,000 per kilogram. Reports of "croak," or cocaine cut with speed, continue, but are isolated. Of the 1,500 drug arrests in 1987, over 90 percent involved cocaine.

District of Columbia--The medical examiner recorded 48 overdose deaths associated with cocaine or a mixture of morphine and cocaine in 1987, a dramatic increase over the 8 recorded in 1986. Over 36 months ending December 1987, cocaine ER mentions have shown consistent increases. Cocaine ER mentions increased 451 percent between first quarter 1985 and fourth quarter 1987. Among drug treatment admissions, 35 percent tested positive for cocaine, while 66 percent of arrestees tested positive. The vast majority of new treatment admissions are associated with cocaine abuse.

Cocaine use and availability is at an all-time high. The average purity of cocaine is approximately 20 percent and the average price is $100 per gram. The major sources of cocaine are Bolivia, Colombia, and Peru.

The sale and possession of cocaine, especially crack, has increased. There is increasing evidence of Jamaican gang involvement in the city's drug traffic. Juveniles have become involved in crack distribution because of the less severe criminal penalties for youth. The percent of juvenile defendants testing positive for cocaine has increased from 8 percent in January 1987 to 21 percent in December 1987. Purity is currently 80-96 percent with a selling price of $25-$55 per vial. Crack houses have developed very rapidly during the past 6 months.

Los Angeles--Cocaine-related deaths totaled 206, 645, and 360 in 1985, 1986, and 1987, respectively. Cocaine is the most frequently mentioned drug cited in ER mentions with 1,578 in 1985, 2,297 in 1986, and 2,161 in 1987. Cocaine treatment admissions escalated 44 percent between 1985 and 1987 and now account for 16 percent of admissions. Cocaine seizures have increased 641 percent from 1,944.71 kilograms in 1985 to 14,411.80 kilograms in 1987.

Miami--Cocaine-induced deaths have continued to decline from a 4.4-monthly average, in what has become known as the "crack summer" of 1986, to 2.2 during the 6-month period ending April 1988. Cocaine mean quarterly ER mentions decreased slightly from 79 in 1986 to 71 in 1987, but exceeded the 1985 mean of 44. Cocaine remains the most frequently cited drug among ER mentions. Smoking, IV, and snorting were the routes of administration in 35, 34, and 19 percent of ER patients, respectively. Cocaine was the respective primary drug of abuse for 69 and 59 percent of 1987 Dade County and statewide treatment clients, compared to 58 and 45 percent in 1986.

Kilograms of cocaine sell for about $10,000. Reports of brown crack causing severe respiratory problems may indicate adulteration with synthetic drugs.

Minneapolis/St. Paul--There were 24 cocaine-related deaths in 1987. DAWN data indicate a general upward trend in cocaine ER mentions, with an increase from 135 to 256 to 394 in 1985, 1986, and 1987, respectively. The number of adult cocaine admissions to detoxification has increased, with 266, 562, and 689 in 1985, 1986, and 1987, respectively, and 198 in the first quarter of 1988. Daily and weekly cocaine users collectively account for 54 percent of all first quarter 1988 admissions, compared to 40 percent in first quarter 1987.

The amount and quality of cocaine seizures have increased, arrest figures have increased, and wholesale prices continue to decline. The kilogram price is $20,000-$30,000, the ounce price is $700-$1,500, and the gram price is stable at around $100.

Overall crack use among adult treatment admissions has increased. Crack houses have become more common in inner-city areas. Street crack sells for $15-$25 per 0.1-gram chunk in tin foil. Some users convert hydrochloride powder themselves. Anticrack law enforcement activity has conspicuously increased, attracting much media attention.

Newark--Toxicological tests on 16 out of 80 homicide victims were positive for cocaine in late 1986 and early 1987. Cocaine ranks highest in ER mentions which increased 88 percent from 746 in 1986 to 1,403 in 1987. Cocaine was reported as the primary drug of abuse by 24 percent (N=724) of all 1987 admissions to treatment, compared to 22 percent in 1986. Of the primary cocaine admissions, 16 percent reported injection as the major mode of administration, while 31 percent reported smoking. Snorting continues as the most frequent method, with 52 percent of reports.

Almost half of drug seizures involve cocaine. Only 10 percent of these involve crack, while the vast majority involve hydrochloride. Less than 2 years ago, the reverse was true. Most seizures have been 60-80 percent pure.

New Orleans--Cocaine availability and use remain high, with increases in all cocaine-related indicators. Deaths rose and mean quarterly ER mentions increased dramatically from 113 to 477 (354 percent) from 1986 to 1987. Treatment admissions increased from 17 percent to 28 percent in that time period. Of arrestees tested in 1986 and 1987, respectively, 32 and 36 percent tested positive for cocaine.

Cocaine-related arrests have increased. Purity levels are 90-98 percent. Prices have been stable since 1986, with kilogram prices at $20,000-$30,000, ounce prices at $1,000-$2,000, and gram prices at $75-$125. Crack use also is increasing, with prices stable at $20-$25 per dose unit.

New York City--Cocaine activity is reaching new peak levels, especially with the popularity of crack. Although deaths due to cocaine declined from 287 in 1986 to 222 in 1987 (22 percent), other indicators suggested increases. Cocaine ranks highest in ER mentions which have increased 39 percent in 1 year, from 4,951 in 1986 to 6,874 in 1987. Cocaine-related treatment admissions increased 18 percent from 8,140 admissions in 1986 to 9,588 admissions in 1987. In 1987, these admissions represented 37 percent of all admissions to State-funded programs, compared to 34 percent in 1986. Births to cocaine-abusing women increased 117 percent from 1985 and 1986.

Cocaine is widely available. Kilogram prices are $11,000-$25,000 for 80-90 percent pure cocaine, representing an overall decline in price in the past 6 months. Colombians, with increasing involvement from organized crime, are the major cocaine traffickers. Puerto Rican and Dominican groups tend to run lower-level trafficking and street distribution. Gangs have become increasingly involved in crack dealing.

Cocaine arrests, which numbered 37,624 in 1987, represent 48 percent of total drug-related arrests. From 1986 to 1988, 73 percent of arrestees tested were positive for cocaine. Cocaine arrests involving youth under the age of 16 represent 61 percent of all drug arrests in this age group.

Philadelphia--All indicators evidence increasing use and availability of cocaine. Cocaine-related deaths increased from 27 to 70 between the first and fourth quarters of 1987. Cocaine ER mentions totalled 1,167 in the third quarter 1987, an increase of 323 percent over a 7-quarter period. Further, cocaine-related admissions to substance abuse treatment programs rose from 12 to 44 percent of admissions from 1986 through 1987. Admissions data also reveal that smoking, as the primary route of administration, increased from 47 to 67 percent during this same period. Injection is currently the second most frequent method among treatment clients.

Enforcement activities are heavily targeted toward cocaine trafficking; opiates/cocaine derivatives is the only drug category showing an increase in offenses and arrests between 1986 and 1987. Cocaine continues to be readily available at stable prices of $70-$100 per gram.

Other indicators also point to an increasing cocaine problem. For example, cocaine has been implicated in an alarming increase in child abuse and neglect cases, and a majority of adults living in family shelters reportedly abuse cocaine. Crack houses do not appear to be widespread; instead users convert cocaine hydrochloride to a smokable form. "Diablitos," a mixture of marijuana and crack, reportedly sells for $3 per stick in some Hispanic neighborhoods. Law enforcement officials cite an increasing involvement of youth in cocaine sales coupled with a greater incidence of violence.

Phoenix--Cocaine continues to be the primary drug of abuse. Cocaine deaths increased from 13 in 1986 to 21 in 1987. Emergency room mentions increased 108 percent, from 375 in 1986 to 780 in 1987. Treatment data from one source suggest that cocaine ranks highest among treatment clients, accounting for 29 percent of admissions (January-June 1987 data).

Arizona remains a significant route for cocaine traffic from Colombia via Mexico. Purity is about 85 percent with an ounce selling for $800-$1200. Crack has increased in availability and is distributed by two major black street gangs from Los Angeles.

St. Louis--Cocaine usage has continued to increase in the past 6 to 12 months. Yearly cocaine ER mentions increased from 74 to 171 to 303 in 1985, 1986, and 1987, respectively. Treatment admissions for cocaine have remained stable, accounting for 9 percent of primary drug admissions. Cocaine is the most frequent secondary drug of abuse among primary heroin and alcohol users. Crack does not appear to be available however, some users convert hydrochloride to a smokable form. Primary methods of administration continue to be IV, followed by snorting.

Purity levels have risen in 1 year from 60-70 percent to 80-90 percent. In 1 year, the gram price fell from $100-$120 to $60-$80, and the ounce price fell from $2,500 to $1,800. Arrests and seizures have increased.

San Diego--Cocaine-related deaths have increased from 7 in 1983 to 13 deaths in 1984, then shifted to 9, 7, and 12 deaths in subsequent years. Cocaine ER mentions have increased markedly during the past 6 years, from 86 in 1983 to 270 in 1987 (a 213-percent increase). Treatment admissions have doubled from 154 in 1984 to 312 in 1987 and cocaine is now the second most frequently named drug problem by clients.

There has been a significant increase in positive urine tests for cocaine among arrestees. The rate of positives increased from 26 to 41 percent from June 1987 to January 1988. Cocaine seizures totalled 134, 901, and 607 kilograms in 1985, 1986, and 1987, respectively.

San Francisco--Cocaine-related deaths and treatment admissions have increased, while ER mentions have stabilized in the last year. There were 22 decedents with cocaine metabolites in the first half of 1986, 29 in the second half of that year, and 47 in the first half of 1987. There was a steep increase in ER mentions between the first and fourth quarters of 1986; since then average ER mentions have remained level at about 135 per quarter. Treatment admissions to the drug program at the Haight-Ashbury Free Clinics indicate a rise in primary cocaine abusers from about 10-14 percent of admissions in mid-1986 to 24 percent in fourth quarter 1987 and first quarter 1988.

Cocaine-related drug charges began a steep rise in mid-1986, and have accelerated in the last 12 months. Arrests of juveniles increased by more than tenfold over the same 2-year period.

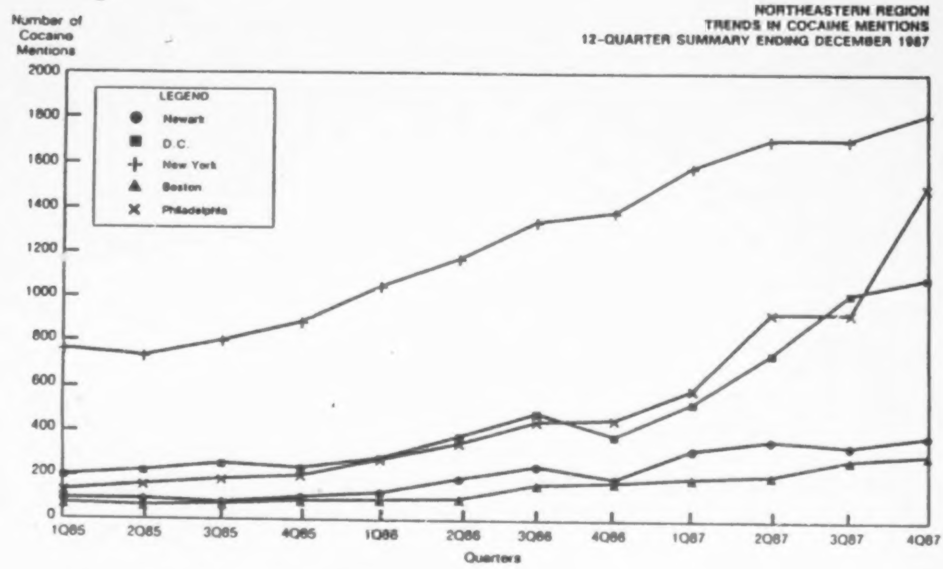
Seattle--Cocaine-related deaths have risen from 5-8 per quarter in 1987 to 12 in first quarter 1988. Mean quarterly ER mentions of 61, 108, and 208 were reported for 1985, 1986, and 1987, respectively, a 239-percent increase over a 3-year period.

An ounce of cocaine sells for $900-$1,000 with purity levels of 55-90 percent. The cocaine trade is fairly unorganized, with gangs from Los Angeles and Mexico vying for the dominant position among dealers.

Texas (statewide)--Cocaine-related deaths in San Antonio increased from 1 to 3 to 20 in 1985, 1986, and 1987. Cocaine ER mentions have doubled in Dallas, with 1986 and 1987 quarterly averages at 120 and 245, respectively; San Antonio figures for those years increased from 12 to 19. Cocaine accounts for 18 percent of total treatment admissions; it also is increasing as a secondary drug problem. The percent of clients smoking cocaine has risen sharply in mirror image to the decline in inhalers over the last year. Needle use is reported by 35 percent of cocaine admissions.

Prices remain low, with kilogram prices at $27,000-$35,000 in Dallas/Fort Worth, $18,000-$25,000 in El Paso, and $17,000-$24,000 in Houston; ounce prices are $900-$1,000 and $600 in Dallas/Forth Worth and Houston, respectively. Crack-related arrests in Houston increased 450 percent from 1986 to 1987, and seizures increased from 43 grams to 3 kilograms. Much of the cocaine has been transported from Florida. Increasing multinational involvement is reported in smuggling and distribution activity within the State, with Colombian, Mexican, Bolivian, Jamaican, and Cuban nationals competing for control.

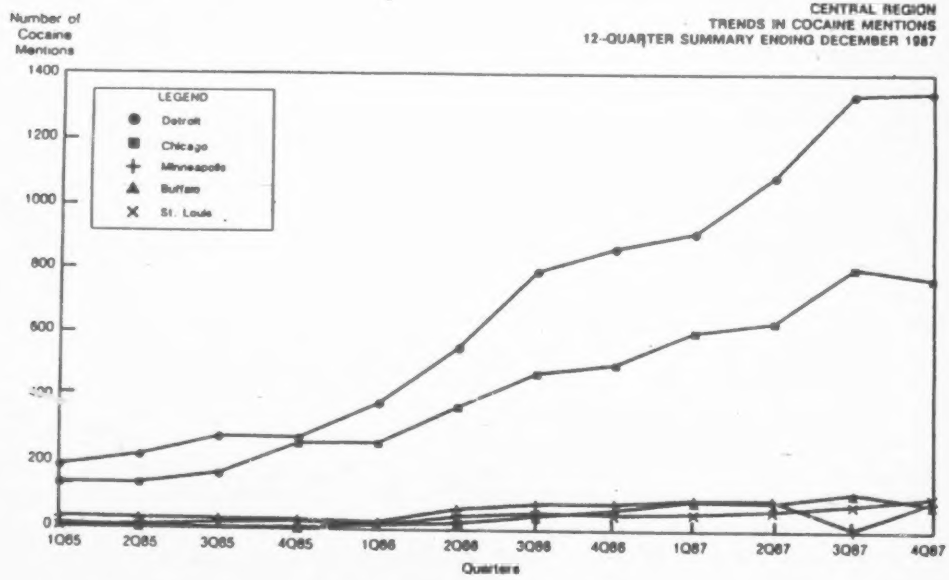
EXHIBIT 3



NORTHEASTERN REGION
TRENDS IN COCAINE MENTIONS
12-QUARTER SUMMARY ENDING DECEMBER 1987

SOURCE: NIDA, Drug Abuse Warning Network (March 1988 Imputed data file)

EXHIBIT 5

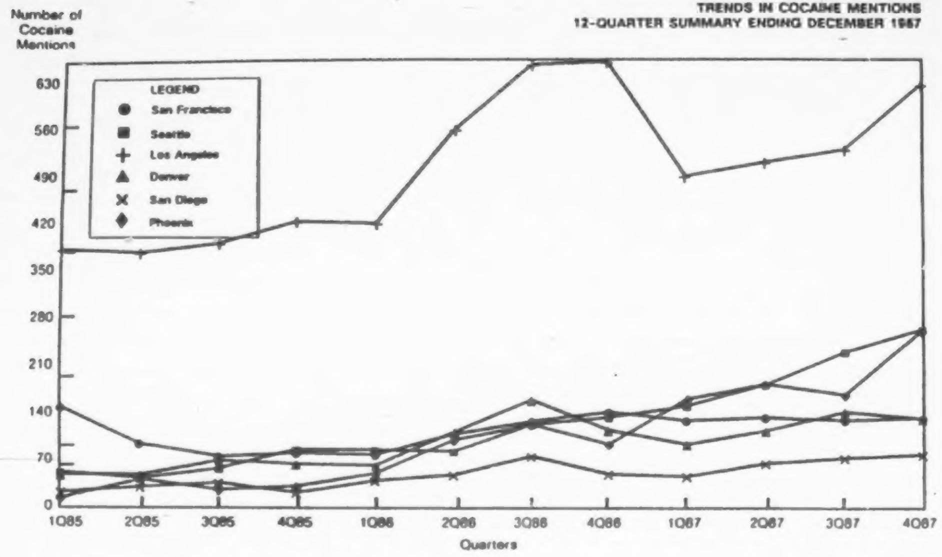


CENTRAL REGION
TRENDS IN COCAINE MENTIONS
12-QUARTER SUMMARY ENDING DECEMBER 1987

SOURCE: NIDA, Drug Abuse Warning Network (March 1988 Imputed data file)

EXHIBIT 7

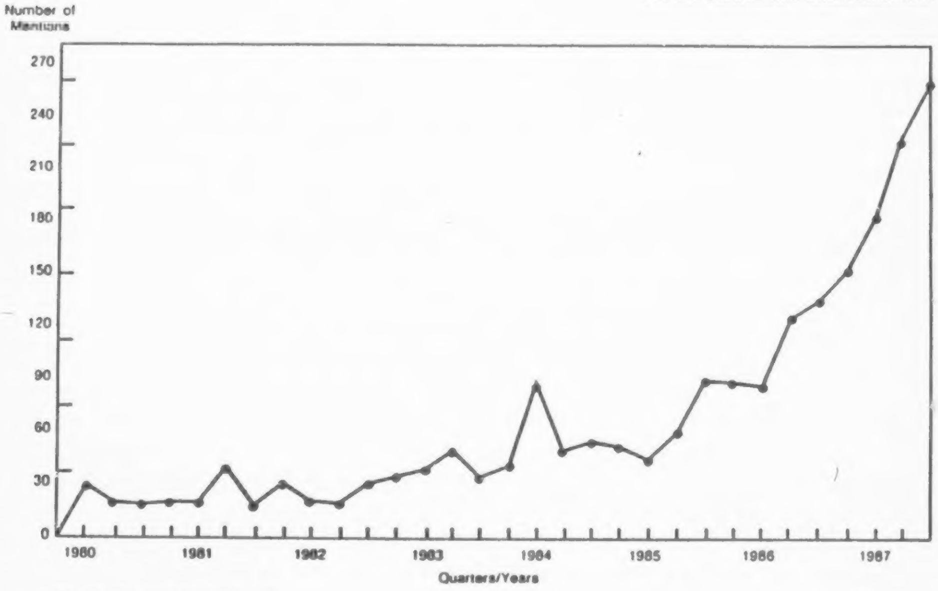
WESTERN REGION
TRENDS IN COCAINE MENTIONS
12-QUARTER SUMMARY ENDING DECEMBER 1987



SOURCE: NIDA, Drug Abuse Warning Network (March 1988 imputed data file)

EXHIBIT 3

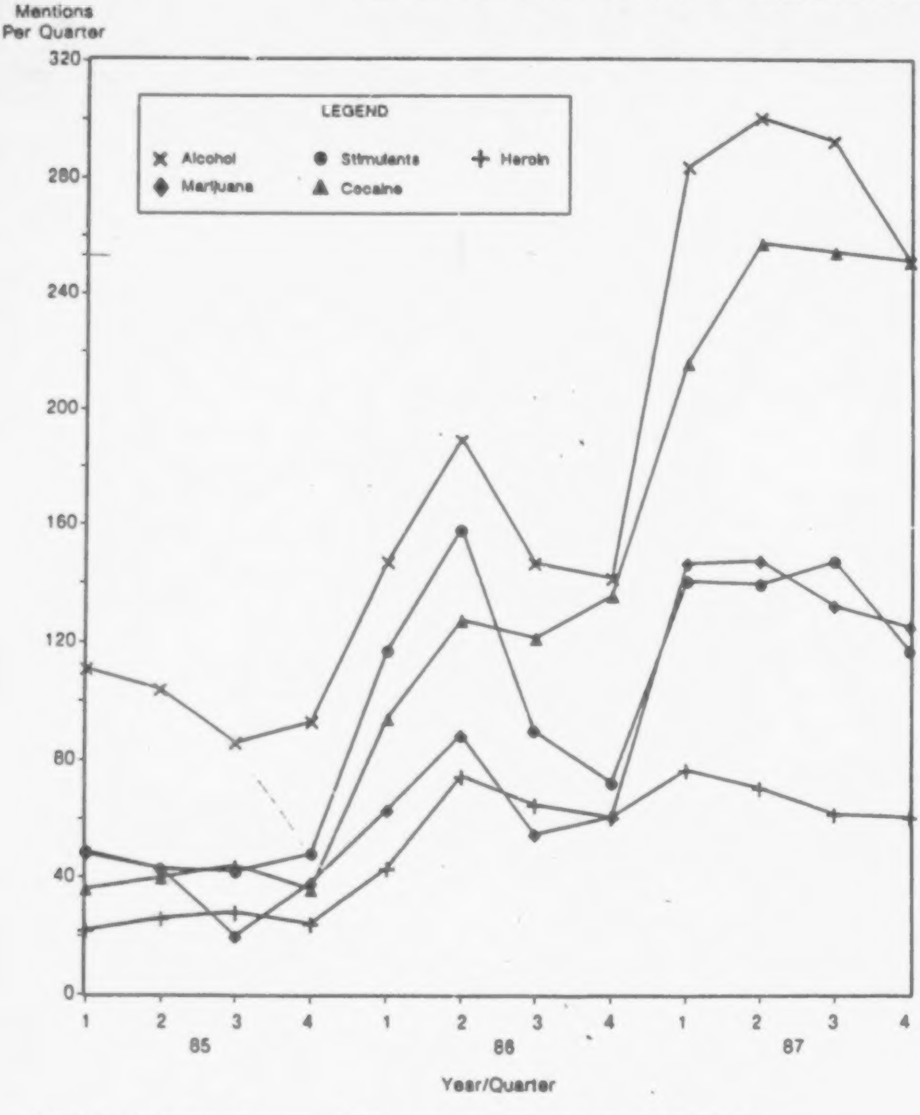
SEATTLE
COCAINE EMERGENCY ROOM MENTIONS



SOURCE: Drug Abuse Warning Network

EXHIBIT 1

TEXAS
DRUG MENTIONS IN EMERGENCY ROOM EPISODES IN DALLAS



SOURCE: TCADA treatment assessment data base; data include adult and youth programs

REGIONAL SUMMARY

The 24th meeting of the Community Epidemiology Work Group (CEWG), during which current patterns and trends of drug abuse were discussed, was held on June 7-10, 1988, in Rome, Italy. The following summary is based on these discussions. To assess the status of drug abuse in society, data from a variety of health and other drug abuse indicator sources are used, including: medical examiner (ME) reports on drug-related deaths; drug-related emergency room (ER) episodes[1]; treatment admission reports; law enforcement agency reports; and other city-specific studies. The summary is organized by specific drug of abuse and is presented in two sections--Regional Summary and City Summary--to provide alternative focus and level of detail.

COCAINE

Southern Region

Cocaine is the primary drug of concern in the southern region. From 1986 to 1987, cocaine-related deaths increased threefold (13 to 33) in **Atlanta** and almost sevenfold (3 to 20) in **Texas**. In **Miami**, however, they continued to decline from a 4.4-monthly average in the summer of 1986 to 2.2 in the first 1988 reporting period.

Cocaine ER mentions increased from 38 to 178 (368 percent) in **Atlanta**, 125 to 599 (375 percent) in **New Orleans**, and from 39 to 263 (574 percent) in **Texas** between first quarter 1985 and fourth quarter 1987 (exhibit 1). Sharp increases were also experienced between 1986 and 1987 in **Atlanta** (87 percent) and in **Texas** (100 percent). In a major **Atlanta** hospital, cocaine toxicological detections among ER admissions increased from 46 to 56 percent between 1986 and 1987.In **Miami**, quarterly cocaine ER mentions increased from 34 to 60 (76 percent) between first quarter 1985 and fourth quarter 1987; however, average quarterly ER mentions between 1986 and 1987 declined from 80 to 72, suggesting a possible leveling off in **Miami**'s cocaine abuse problem[2]. Nevertheless, cocaine continues to rank highest in ER mentions in all southern cities as of the end of 1987 (exhibit 2).

In all four southern cities, cocaine ranks highest among treatment clients as the primary drug of abuse. For the first time in **Texas**, cocaine was the most frequently cited primary drug of abuse by clients entering treatment, accounting for 18 percent of all admissions. In **New Orleans**, cocaine accounts for 28 percent of admissions, an increase from 17 percent in 1986. The majority of clients in **Miami**, as well as 30 percent of clients in **Atlanta**, report cocaine as the primary drug of abuse. Over 90 percent of **Atlanta's** intake facility calls are crack related.

Wholesale kilogram price ranges, in ascending order, are $8,000-$12,000 in **Miami**, $20,000-$28,000 in **Atlanta**, $20,000-$30,000 in **New Orleans**, $27,000-$35,000 in **Dallas**, and $17,000-$24,000 at the **Texas** border. Low prices in **Miami** have moved cocaine to other cities via newly organized crime groups. Gang activity is reported in **Atlanta** ("The Miami Boys" and Jamaican "posses") and **New Orleans** (Jamaican, Vietnamese, and inner-city blacks); Caribbean criminal groups operate in **Miami**.

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[1] DAWN ER data reflect actual and imputed mentions for a consistent panel of reporting hospitals during 1985-1987.

[2] Miami ER mentions are substantially understated because a major DAWN hospital did not meet the quality assurance standards for the 1985-87 period.

Northeastern Region

Medical and law enforcement indicators in all five northern cities suggest an increasing cocaine problem. The only reported decline pertained to cocaine-related deaths in **New York**, which decreased 22 percent, from 287 in 1986 to 222 in 1987. Overdose deaths due to cocaine and combinations thereof in the **District of Columbia** increased from 8 in 1986 to 48 in 1987. Cocaine-related deaths also increased in **Philadelphia**, from 27 to 70, between the first and fourth 1987 quarters.

Cocaine ER mentions increased from 71 to 300 (322 percent) in **Boston**, from 198 to 1,091 (451 percent) in the **District of Columbia**, from 92 to 383 (316 percent) in **Newark**, from 761 to 1,828 (140 percent) in **New York**, and from 131 to 1,514 (1,056 percent) in **Philadelphia**, between first quarter 1985 and fourth quarter 1987 (exhibit 3). The increases were steep but not quite as dramatic when comparing 1986 and 1987 mean quarterly mentions. Cocaine quarterly ER mentions increased 86 percent in **Boston**, 122 percent in the **District of Columbia**, 88 percent in **Newark**, 39 percent in **New York**, and 185 percent in **Philadelphia**. Cocaine ranked highest among ER drug mentions in all northern cities, except for the **District of Columbia**, where it ranked second to PCP (exhibit 4).

In **Boston** and in **New York**, 37 percent of clients entering treatment reported cocaine as the primary drug of abuse, while 24 percent in **Newark** and 44 percent (compared with 11 percent of clients in 1985) in **Philadelphia** cited cocaine as the primary problem. In the **District of Columbia**, 35 percent of clients tested were positive for cocaine; however, 66 percent of arrestees tested were positive for cocaine. In **New York**, 73 percent of arrestees tested cocaine-positive, up from 60 percent in 1986. Births to cocaine-abusing women are a growing problem in **Philadelphia**, and such births increased 117 percent between 1985 and 1986 in **New York**.

Newark reports that snorting continues as the principal route of administration for the majority of clients, while 31 percent report smoking, and 16 percent abuse cocaine intravenously. In **Philadelphia**, smoking is the primary route of administration for 67 percent of clients, and injection ranks second as the preferred route.

Increased gang involvement in crack distribution has been reported in the **District of Columbia**, **New York**, and **Philadelphia**. Crack does not appear to be a major problem in **Boston** and is no longer as evident in **Newark**. Cocaine prices have declined, with purity levels of 80-90 percent selling for $12,000-$16,000 per kilogram in **Boston** and $11,000-$25,000 in **New York**. In **Newark**, the purity level is 60-80 percent with a sale price of $40 per half gram. The average purity level in the **District of Columbia** is 20 percent, while the average price is $100 per gram. Cocaine prices have remained stable in **Philadelphia** at $70-$100 per gram.

Central Region

Cocaine continues to be a major drug abuse problem among central cities. Results from an ME study of selected death causes showed that cocaine-related deaths in **Detroit** increased from 13 to 38 percent between 1984 and 1987. **Buffalo** reports 12 cocaine-related deaths in 1987, and **Minneapolis/St. Paul** reports 24 in 2 counties. The percentage of black decedents in **Detroit** testing cocaine-positive increased from 14 to 44 between 1984 and 1987.

Cocaine ER mentions increased from 15 to 83 (453 percent) in **Buffalo**, from 139 to 773 (456 percent) in **Chicago**, from 193 to 1,350 (1,157 percent) in **Detroit**, from 36 to 93 (158 percent) in **Minneapolis**, and from 9 to 105 (1,067 percent) in **St. Louis** between first quarter 1985 and fourth quarter 1987 (exhibit 5). Smaller, but still substantial percentage increases were reported in quarterly mean ER mentions between 1986 and 1987 in **Buffalo** (158 percent), **Chicago** (73 percent), **Detroit** (80 percent), and **Minneapolis** (53 percent). Cocaine was the most frequently cited drug in ER mentions in all reporting central cities, except for St. Louis, where PCP mentions rank highest (exhibit 6).

Though inpatient cocaine treatment admissions increased in **Buffalo**, heroin surpassed cocaine as the leading drug of abuse; however, in outpatient admissions, cocaine continues to lead, with 32 percent of clients listing it as the primary abused substance. Cocaine accounted for 18 percent of **Chicago** admissions through 1986, a ninefold increase over 1978. Primary cocaine abusers constitute almost one-third of **Detroit**'s treatment admissions, although the recent trend of doubling each year seems to be slowing. The number of adult cocaine admissions to detoxification in **Minneapolis/St. Paul** has increased from 562 to 689 between 1986 and 1987. Cocaine admissions in **St. Louis** are stable, accounting for 9 percent of primary drug admissions. Intravenous (IV) use remains the principal route of administration in **Buffalo**, but freebase is increasing, and outpatient clients principally administer intranasally; in **St. Louis**, most users administer by IV and some by snorting.

Crack remains scarce in **Buffalo**. While crack still has shown no significant impact in **Chicago**, freebase smoking continues among some users who process hydrochloride themselves, as do some users in **St. Louis**. Crack constitutes 18 percent of **Detroit** admissions. Crack use among adult treatment admissions has increased in **Minneapolis/St. Paul**, where crack houses have become more common in inner-city areas.

High-quality cocaine availability at declining prices is reported throughout the region. Kilogram prices, in ascending order, are $15,000 in **Buffalo**, $20,000 in **Chicago**, $26,000 in **Detroit**, and $20,000-$30,000 in **Minneapolis/St. Paul**. The ounce price in **St. Louis** is $1,800.

Western Region

Cocaine continues to be a substantial drug abuse problem in western cities. **Phoenix, San Diego, San Francisco**, and **Seattle** report increased deaths involving cocaine over the past 2 years. Cocaine-related deaths peaked in **Los Angeles** at 645 in 1986 , then declined to 360 in 1987.

Cocaine ER mentions have increased in five of the six cities across the region between first quarter 1985 and fourth quarter 1987; they increased in **Denver**, from 50 to 134 (168 percent), in **Los Angeles** from 383 to 627 (64 percent), in **Phoenix** from 15 to 263 (1,653 percent), in **San Diego** from 24 to 80 (233 percent), and in **Seattle** from 54 to 265 (391 percent); in **San Francisco**, however, ER mentions declined slightly from 151 to 135 (10 percent) between first quarter 1985 and fourth quarter 1987 (exhibit 7). Quarterly mean mentions between calendar years 1986 and 1987 show smaller percentage increases in **Denver** (7 percent), **Phoenix** (108 percent), **San Diego** (23 percent), **San Francisco** (15 percent), and **Seattle** (92 percent), and show a slight decline in **Los Angeles** (6 percent). Cocaine was the most frequently cited drug in ER mentions in **Denver, Los Angeles, Phoenix**, and **Seattle**, and it ranked second in **San Diego**, behind methamphetamine, and in **San Francisco**, behind heroin (exhibit 8). Cocaine treatment admissions account for 30 percent of clients in **Colorado**, 16 percent in **Los Angeles**, 29 percent in **Phoenix**, and 24 percent in **San Francisco**.

Cocaine prices have declined, and the purity has increased. For example, in **Seattle**, cocaine has been purchased for as little as $600 an ounce. **Denver** has also experienced this trend, with prices currently $75-$100 a gram, compared to $100-$200 several years ago. Purity across the region also remains high. Two notable examples are **Seattle** at 55-90 percent purity, and **Phoenix** at 85 percent average purity. Substantial increases in cocaine seizures indicate the emphasis placed on cocaine by law enforcement agencies. **Denver** reports seizures of 3 to 10 kilograms per week, while **Los Angeles** reports that the total amount of cocaine seized in 1987 was 14,412 kilograms.

Treatment and ME data indicate a shift toward cocaine abuse among minorities. Black admissions to treatment in **Denver** increased from 5 to 19 percent of total admissions from 1982 to 1987. Hispanics entering treatment in **Los Angeles** increased from 16 to 26 percent of admissions between 1985 and 1987. Medical examiner data from **Seattle** indicate increasing numbers of nonwhite cocaine-related deaths.

Gang involvement in cocaine and crack distribution is becoming more evident. **Phoenix**, **Seattle**, and **Denver** have reported the influence of **Los Angeles** street gangs in their area. In **Seattle**, Mexican middlemen use gangs for direct distribution. Crack distribution in **San Francisco** is controlled by black youths in their late teens and early twenties.

HEROIN

Southern Region

Negative health consequences, as measured by deaths and ER episodes, remain low in **Atlanta** (one 1987 morphine overdose death and no ER admissions in 1987 and to date in 1988) and **Miami** (no heroin deaths in 1987 or to date in 1988 and only 5 heroin ER mentions in 1987). Opiate-related deaths appear to be declining in **Texas**, and mean quarterly heroin/morphine ER mentions are stable in Dallas and down significantly in San Antonio (46 in 1986 to 19 in 1987). In **New Orleans**, however, heroin ER mentions increased 488 percent from 1986 to 1987.

The percentages of 1987 treatment clients with a primary heroin problem in **Miami, Atlanta, New Orleans**, and **Texas**, respectively, are 14, 17, 20, and 22. These figures represent declines from 1986 for all the cities except **New Orleans**, where treatment indicators are stable.

New Orleans reports that blacks are most affected by heroin problems, while Hispanics are most affected in **Texas**. Speedballing is common in **Atlanta**, and some IV cocaine users are switching to heroin because purity has increased slightly, while price remains stable.

Throughout the region low-grade and relatively low-purity heroin is most commonly available. Black tar is seen in **Atlanta** but appears to be waning in **Texas**.

Northeastern Region

Deaths caused by chronic or acute IV narcotism increased 30 percent (601 to 781) in 1987 in **New York**. The **District of Columbia** reports 171 narcotic overdose deaths in 1987, up from 136 in 1986.

Heroin ranks second in quarterly mean ER mentions in **Boston, Newark, New York**, and **Philadelphia** and ranks third in the **District of Columbia** (exhibit 4). Heroin quarterly ER mentions increased 127 percent in **Newark**, 76 percent in **Philadelphia**, 49 percent in **Boston**, 37 percent in the **District of Columbia**, and 8 percent in **New York**, between 1986 and 1987. Among arrestees, 22 percent in **New York** and 15 percent in the **District of Columbia** tested positive for cocaine.

Heroin accounts for the greatest number of treatment admissions in **Boston** (46.5 percent), **Newark**, (58 percent, N = 1,710), and **New York** (N = 10,773), although the percentages show slight declines in **Boston, New York**, and the **District of Columbia**. Admissions in **Philadelphia** remain stable at 14 percent. The percentage of female admittees has increased in **Newark**.

Various law enforcement sources indicate that purity levels have increased and vary widely, from 85 percent in **New York**, 50 percent or higher in **Philadelphia**, and 30-50 percent in **Boston**, to 9 percent in the **District of Columbia**. There has been an increase in intranasal heroin use in **New York** and **Newark**.

Central Region

While 1987 was the worst year for narcotic deaths in **Detroit** since 1975 (N = 240), 1988 first quarterly reports show only 35 such deaths, compared to 61 in the same quarter last year. **Buffalo** reports five morphine-induced deaths, and **Minneapolis/St. Paul** reports two morphine- and two heroin-induced deaths. Heroin continues to be a major problem in **Chicago** and **Detroit**, as indicated by ER data, second only to cocaine in frequency of drug mentions (exhibit 6). Mean quarterly heroin/morphine ER mentions have continued an upward trend (138, 191, and 249, respectively, in 1985, 1986, and 1987) in **Chicago**, but have remained stable in **Detroit** (666, 643, and 634 for the same years). **Buffalo** reports a substantial increase in ER mentions from a mean quarterly average of 7 in 1986 to 36 in 1987, spiking at 49 in third quarter 1987. Emergency room mentions for heroin/morphine increased 51 percent in **Minneapolis/St. Paul** between 1986 and 1987, from 39 to 59. **St. Louis** reports a continuing upward trend in heroin ER mentions.

Buffalo reports a near doubling of heroin inpatient admissions in the second half of 1987 following a seeming decline in the previous reporting period. **Chicago**'s consistently declining primary heroin admissions may reflect full treatment slot capacity rather than declining demand. Treatment admissions have also declined in **Detroit**, to 9 percent of total admissions. Heroin users account for a small percentage of admissions to **Minneapolis/St. Paul** detoxification facilities, while in **St. Louis** they constitute the majority of treatment admissions. Demographic data suggest a common pool of aging addicts in **Chicago**. Speedballing of heroin/cocaine mixtures has increased significantly in **St. Louis**.

Heroin generally continues to be of low purity; however higher quality heroin has recently been identified in central cities. Mexican mud, selling at $900 per ounce, continues to predominate in **Chicago**. Mexican brown and white heroin dominate the **Minneapolis/St. Paul** market, and most heroin in **St Louis** is also Mexican brown. Most of **Detroit**'s heroin continues to originate in the Middle East, with availability and purity increasing. Black tar availability has been increasing in **Chicago**, sporadic in **Minneapolis/St. Paul**, and slight in **Detroit** and **St. Louis**. High-quality Nigerian white was reported, for the first time, in **Chicago.** Slightly less than 50 percent of **Buffalo's** felony drug arrests involved heroin.

Western Region

Opiates represent the largest single drug-related cause of death in **San Diego**. **Seattle** reports an increase in heroin-related deaths. Heroin-related deaths in **Phoenix** peaked in 1986, declined in 1987, and appear to be increasing, based on first-quarter 1988 data. **Los Angeles** predicts a stable rate of heroin-induced deaths. In **Seattle**, deaths involving speedballing of heroin or other opiates and cocaine have increased from 6 percent of drug-related deaths in 1985 to 23 percent for the first quarter of 1988. Heroin ER mentions have decreased in **Denver** and **Phoenix**, while in **San Diego** and **Seattle** they have remained stable. **San Francisco** reports a substantial drop in quarterly average ER mentions, from 253 to 144, between 1986 and 1987. **Los Angeles** reports a 31-percent decline in heroin-related ER mentions between 1985 and 1987. Despite these drops, heroin ranks first in drug ER mentions (exhibit 8) in **San Francisco** and second in **Los Angeles** and **Seattle**. Treatment admissions for heroin have decreased in **Denver** and **San Francisco**, and have increased slightly in **Los Angeles**.

Black tar heroin dominates throughout the region. Street-sample purity is high at 40-70 percent in **Seattle**, and **Denver** treatment programs report 50-75 percent purity. Prices are stable in **Phoenix**, but **Seattle** and **Denver** show a downward trend. In **Seattle**, gram prices are down from $220-$250 in 1986 to the current $150-$200. A substantial market decrease has been reported in **San Francisco**, where prevalence estimates and medical and law enforcement indicators are down.

OTHER OPIATES

Southern Region

Other opiate deaths in **Atlanta** increased slightly (from 3 to 4 percent of all ME-detected drugs), from 1986 to 1987. Methadone ER mentions decreased from 3 to 1 percent, and propoxyphene mentions remained at 1 percent. **Miami** reports only 16 ER mentions for other opiates. Other opiate-treatment admissions in **Atlanta** declined from 24 to 17 percent of admissions (including methadone). Less than 4 percent of **Miami**'s treatment clients cited other opiates as primary drug of abuse. **New Orleans** continues to be concerned about hydromorphone and combined pentazocine/tripelennamine. Pentazocine combined with tripelennamine also continues to be reported by ERs in **Texas**.

Senator **Adams**. Thank you very much.

I have one question to you, and that is, there has been developed in heroin, which is a tranquilizing drug, methadone as an alternative, or at least a system.

Nothing like that exists for cocaine, is that correct?

Dr. **Besteman**. No; the National——

Senator **Adams**. Is the National Institute working on that?

Dr. **Besteman**. Yes; the National—I called there yesterday to verify some information that I knew. They have identified 17 specific compounds, all of which are at the earliest experimental stage, none of them near approval, that they want to, under one of the authorities that is found in Public Law 100-690, the Anti-Drug Abuse Act, where they are told to pursue chemical therapies for cocaine, they have identified 17 compounds that they want studied, and they have asked the investigators to come in with proposals.

They have two compounds under study right now. My opinion—not theirs, because I do not want to put Dr. Shuster on the hook at all—my opinion is that because of the complexity of the way cocaine acts, in terms of causing disturbances in the heart, and in convulsions, and in the electrical circuits of the brain, it is so much more complex that the likelihood of coming up with a methadone equivalent for cocaine is, I would say, a minimum of a decade, and maybe 20 years away, if ever.

The probable tack, although it is going to be just as difficult, would be something that is equivalent to naltraxone, which is under the trade name of Trexan, which is an antagonist, which blocks all of these receptor sites, and keeps heroin from acting.

If we can find a drug that blocks the cocaine receptor sites, we run the risk, if we do that, of also blocking other pleasure centers of the brain, so you may have a person who is not a—should I say, does not experience happiness very well.

Senator **Adams**. Well, that is the reason I asked the question. As I understand it, the dopamine leaves from a series of ejectors in the brain and is accepted by various portions of the brain that accept this, and that heroin and the other drugs all operate on this, and either produce a greater flow, or affect the receptors.

I was asking you whether there was either a blocking drug, or there was a system for producing more dopamine, or some way, because I was afraid you were going to answer the way you did, which is that the only way that you can block the, what would be an increased flow of dopamine into the receptors is a blocking agent.

But if you had a blocking agent and could reduce the dosage—I just understand, and the reason I asked the question is that, crack—I have had some experiences as U.S. attorney with cocaine, and it was a very expensive drug, and people got it in relatively small amounts, but that crack is widely available, and it is so incredibly dangerous because it is obviously giving an enormous high, or an enormous flow of the dopamine into these receptors, that if you cannot reduce that in some fashion it will just simply continue to build on itself.

Dr. **Besteman**. Yes; some of the drugs that they want to look at are drugs that will do some dopamine replacement, and try to take the craving for the crack away, but crack is a credit, if you will, to convenience marketing.

I mean, if you can be like Peter Reuter and look at it in an economic system, and it is hard when you are dealing with people, but it is the equivalent of McDonald's. It made it convenient, cheap, and available on the corner, and we just were not equipped to handle this.

Senator ADAMS. Thank you very much.

ADDITIONAL PREPARED STATEMENT

In addition to the witnesses who have appeared here today, the Chairman of the District Council, David Clarke, and Councilmember Nadine Winter have requested they be permitted to submit a statement for the record.

Without objection, those statements will be entered in the record.

[The statement follows:]

STATEMENT OF DAVID A. CLARKE

Good morning Senator Adams and members of the Subcommittee. want to thank you for holding this hearing today to address the recent wave of drug-related violence in the District of Columbia and around the nation, and for the opportunity to present a legislative perspective on the problem and our legislative attempts to respond and resolve our local crisis.

I would like to outline briefly legislative enactments and pending proposals that address these issues and that provide one of the most comprehensive criminal justice schemes in the nation.

First, the District has one of the most comprehensive controlled substances law in the country. Modelled on the federal law, the Uniform Controlled Substances Act (D.C. Law 4-29, effective August 5, 1981), which received the "enthusiastic support" of then U.S. Attorney Charles Ruff, divides all controlled substances into five schedules and, based on the testimony and submissions of federal experts at the time, relates the degree of control over a substance to its potential for causing harm and addiction.

In addition to establishing this comprehensive drug control scheme, the law also provided for increased penalties for distribution to minors and substantially expanded the forfeiture provisions then extant. Thus, while improvements are always in order, the District's basic drug law is in order.

Prior to its passage, the predecessor Uniform Narcotic Drug Act treated all offenses, ranging from simple possession of a prescription-based codeine to sale of heroin to a juvenile, the same - a misdemeanor for the first offense. The UCSA provided a scale of penalties based on the dangerousness of the drug to the kind of conduct involved. Today, the possession of that cough medicine remains a misdemeanor but the sale of heroin to a juvenile can bring 30 years.

Drugs are driving the violence, but guns are doing it. Sixty percent of last year's homicides were drug-related; sixty-seven percent were committed with handguns. The District adopted one of the toughest handgun laws in the country in 1976. It banned the sale of handguns and limited possession to those who had registered them prior to 1976. And, from 1976 through 1987, the number of handgun homicides in the District was fewer than it had been prior to the passage of that law.

In 1988, things changed. The number of homicides went up as did the number of guns coming into the District from outside. The Police Department has reported that over half of the guns recovered in Operation Clean-Sweep have come from Virginia gun stores.

In 1982, the "District of Columbia Mandatory-Minimum Sentences Initiative" was passed by the voters of the District. This law provides for a mandatory minimum sentence of five or ten years, for first or subsequent offenders respectively, for persons convicted of committing a crime of violence while armed. It also provides for a mandatory minimum sentence for persons convicted of manufacturing, distributing or possessing with intent to manufacture or distribute certain controlled substances, the minimum being dependent on the classification of the drug.

If the situation is to improve, it is clear that something will have to be done on the federal level and on the state level to stem the flow of handguns.

In this regard, I would note that in 1981, the Metropolitan Washington Council of Governments adopted Res. R22 - 81 calling for greater regional controls. I would also note my letters of January 1, 1988 (Att. A) to legislative leaders of Maryland and Virginia asking for help. Since then, Maryland has banned Saturday-night-specials and Virginia has enacted a one-day background check.

Even with the legislation we already have on the books, the Council is looking for ways to improve.

Recently, the Council and the Mayor worked out emergency and temporary legislation that provides for a mandatory minimum sentence for mere possession of a firearm while committing a crime of violence or dangerous crime, as defined by law. The "Law Enforcement Emergency Amendment Act of 1989", D.C. Act 8-10, effective March 15, 1989, also amended the existing definition of "dangerous crime" to include drug related offenses. Additionally, with respect to bail, the law amends current D.C. law by creating a rebuttable presumption for pre-trial detention if, in the commission of a crime of violence, a dangerous crime or murder in the first degree there is a substantial probability that the person was armed or had a firearm readily available. Our bail law otherwise permits release pending trial if the person is found not to be a threat to the community and that person's return for trial is reasonably assured.

Other measures relating to the impact on youth of this crime emergency are being considered also. We have passed a law requiring the prosecution of some youth as adults for crimes committed on school property. The Mayor has suggested enactment into District law of certain federal provisions applicable to crime committed within 1,000 feet of school property. Additionally, I am sure you are aware of our efforts to enact a curfew on individuals under the age of 18 and its status in the legal proceeding challenging its constitutionality.

The Council has also responded to the current escalation in crime by adding $10,885,000, above what the Mayor requested, to the Metropolitan Police Department's budget bringing the Department's total budget in Fiscal Year 1990 to $228,685,000. This will provide funding for approximately 400 additional police officers. I would note that this was done with base adjustments and was not past of the recent budgetary action requiring tax increases. It is also my understanding that the police department is working with the National Guard in order to obtain the use of additional equipment, such as night surveillance hardware and helicopters.

Obviously, criminal laws and punishment are not the only solutions to stopping the drug trade and its concomitant violence. The District also provides extensive drug rehabilitation services through the Alcohol and Drug Abuse Administration ("ADASA"), which is responsible for the identification, treatment, rehabilitation and prevention of substance abuse throughout the District.

ADASA provides both inpatient and outpatient treatment for residents at community centers located in all parts of the city. The various centers provide referrals for everything from employment training to vocational rehabilitation to community-based activities to health screening. ADASA also provides services at the District's correctional facilities.

In this area as well, the Council added funds to the city's drug prevention efforts; $1,687,000 in Fiscal Year 1989 and $2,715,000 in Fiscal Year 1990.

Yet, no one can argue that we are winning the war against drugs and drug-related violence, despite all of these efforts, legislatively and budgetarily. But we are not alone in this frustration: No jurisdiction in the country is. More must be done locally, regionally and nationally.

On a local level, in my view we must continue to enact tough and imaginative laws that get to the heart of the profit motive in the drug trade by creating stiffer forfeiture laws that keep pace with the elaborate laundering of illegal profits that has developed; that help to ensure the safety of tenants in private and public housing units where drug trading is occuring; and that impact on the distribution of the new weapons of death that permeate our streets.

Toward these ends, I have personally introduced legislation that addresses each of these matters. First, I have introduced a wide-sweeping drug racketeering bill that would get at not only the proceeds of crime, but the proceeds of proceeds of criminal activity. Second, I have introduced legislation that would permit eviction of a tenant against whom probable cause of commission of a drug-related offense has been found. Other legislation is pending on the same subject. And third, I have introduced the "Handgun Manufacturers Strict Liability Act of 1989" which would hold manufacturers of handguns strictly liable for any damages and injuries proximately caused by the operation of a handgun. This bill would provide for a law enforcement exception as well as one for an individual injured during the commission of a felony.

Many other related measures are now pending before the Council.

Local jurisdictions cannot do this task alone, however. It requires concerted effort from all levels of government. I would make the following suggestions that would greatly enhance our efforts: First, we need a national gun control policy and law. Local efforts aimed at stemming the influx of weapons are doomed to less than optimum success if we do not have the support of the federal government to stem the flow of the interstate commerce in weapons. Washington, D.C. provides one of the most vivid examples of the price local jurisdictions are paying for ineffective federal laws and enforcement in this area. We need a strong and unequivocal national policy against this trade and we need it now.

Second, we need to provide stricter enforcement of national drug laws that would effectively intercept the international production and distribution of narcotics that is flooding this country. We also need the federal government's help in reaching the national manufacture and distribution of drugs that are beginning to permeate U.S. markets.

Third, we need federal aid to combat the violence that is seeping through to the local levels as a result of this national and international drug trade. The usual deterrents are no longer working because the pay-offs for those engaged in the trade are so enormous. The threat of prison or even death at the hands of a fellow drug trader no longer matter; the profits are much too high. The federal government must begin to take a far greater role in this battle by targetting those jurisdictions most overwhelmed by drug trafficking and its companion, drug-related violence.

Both drugs and firearms are responsible for the violence we are all experiencing and the response must address both those causes. It is my most sincere hope and prayer that the current Administration, as well as this Congress, recognizes this and joins state and local governments as active participants in what must be a nationally coordinated response to the violence. I know that we in the District of Columbia anxiously await that participation and look forward to working closely with you in developing a successful strategy.

I thank you again for this opportunity to appear before you today.

ATTACHMENT A

January 1, 1988

The Honorable Clayton Mitchell
Speaker of the House of Delegates
State House
Annapolis, Maryland 21401

Dear Mr. Speaker:

Not too long ago, the District of Columbia considered, and ultimately adopted, legislation to raise the drinking age from 18 to 21. In doing so, we received much correspondence from our neighbors in Maryland and Virginia regarding a so-called blood-border. It seemed that, while the District of Columbia was not having a particularly difficult time with its citizens between the ages of 18 and 21 drinking and then becoming involved in vehicular homicide, a number of younger citizens of our neighboring jurisdictions were purchasing alcohol in Washington and then becoming involved in fatal actions closer to home.

Given this experience, it should not be too hard to appreciate our concern with our young people purchasing another substance at least as deadly as beer and wine in other jurisdictions and then coming home to kill each other with it, and that substance is handguns.

As you may know, the District adopted a strong regulation in 1976 that, among other things, prohibited the sale of handguns. Since that time, homicides-by-handgun have declined. However, while they do not appear to have reached the numbers that they were before the passage of our law, there has been a dramatic rise recently with too many of the victims being our younger citizens (19 in the last year alone).

Importantly, of those guns which were compensated and the sources of which were traced, the largest source by far has been Virginia and Maryland gun stores. Indeed, in one recent instance, our police arrested and charged an individual with using false identification to cross our border and import thirty guns for resale.

The regional character of this issue was recognized in 1981 by the Metropolitan Washington Council of Governments, of which I am now the president, when it recommended a uniform regulation, based on the District's regulation, which, inter alia, would ban the sale of handguns. The Council of Governments said at the time that "genuine firearms control must be regional, if not national in scope" and that "every journey or major effort must start with a first step."

The same pain which your citizens felt when their youth were being killed on the highways my citizens are now feeling when their youth are being slaughtered on the streets. If the dangerous substance of alcohol can be blamed for what happened there, the dangerous substance of handguns can be blamed for what is happening here. If there was any merit in one jurisdiction calling upon another for help in 1985, there is as much or more justification for the call I am making now.

In the name of the same concern for the future of the young, even the misguided young, which drove the us to a regional policy of drinking limitations, I implore you to consider seriously a regional policy on the prohibition of sale of handguns along the lines of what was recommended by the Council of Governments in 1981.

I look forward to hearing from you regarding this request.

Sincerely,

David A. Clarke
Chairman

SUBCOMMITTEE RECESS

Senator **Adams**. The subcommittee will stand in recess until 10 a.m. on Monday, April 17.

[Whereupon, at 1:32 p.m., Tuesday, April 4, the subcommittee was recessed, to reconvene at 10 a.m., Monday, April 17.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1990

MONDAY, APRIL 17, 1989

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Brock Adams (chairman) presiding.

Present: Senators Adams, Fowler, Gramm, and Domenici.

Also present: Senator Specter and Delegate Fauntroy.

DISTRICT OF COLUMBIA

CRIME AND DRUGS IN THE DISTRICT OF COLUMBIA

STATEMENT OF JAY B. STEPHENS, U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA, U.S. DEPARTMENT OF JUSTICE

OPENING STATEMENT

Senator **ADAMS**. The Subcommittee on the District of Columbia appropriations of the U.S. Senate will come to order.

We have several witnesses this morning, and we have some statements to be placed in the record. We have a number of people who have other commitments that they have to make, and the purpose of this committee, as I will indicate in a moment in my opening statement, will be to develop what is necessary for this committee to do to fight the war on drugs and to stop the killing in the streets.

Our witnesses this morning, whom I want to thank before we start, will be Mayor Barry and whomever he wishes to have with him, and the U.S. attorney, Mr. Stephens. I appreciate their agreeing to appear today.

We will also have a statement from Director Bennett, and we will be submitting questions to the record for him.

Now, my hope today is that we can begin to create a consensus for action between the Congress, the city, and the executive branch. We are here, ready to talk about real solutions to real problems. We are not here to point fingers or to look for scapegoats.

Now, we know that this subcommittee is only one piece of a total war on drugs, and I have asked Senator Kennedy—he and I both serve on the Labor and Human Resources Committee—I have asked him and he has agreed to assist me, and we will be holding hearings before the Labor and Human Resources Committee during the course of this spring and summer, on the medical effects of crack, and what we can do to treat those who are addicted.

MEDICAL EFFECTS OF CRACK

We must now fight this white plague like the black plague was fought in the Middle Ages. The white plague of cocaine in Washington, DC, is spreading throughout the Nation. It is spreading to Seattle, Dallas, Atlanta, and Omaha, and it is already established in New York and Miami.

This fight is risky and tough, and it may offend some as we start, but we cannot allow crack and its criminal violence to destroy a great city and generation, a whole national generation, of our youth.

At our last hearing the Mayor was asked to bring us a plan for the help that the District believes it needs. We now have a proposal from the District government, and a conceptual plan from Mr. Bennett, as shown on the charts.

These charts reflect the information we have received, it is not a plan of this committee. It is the attempt by this committee and its staff to bring into focus what is being recommended, what is either happening or not happening, and we will strike some and add others as this proceeds.

But the subcommittee today has to have proposals in place, and we will ask questions on them.

When we are done, I should like this committee to have some idea of where there is agreement, where there is disagreement, and where there are gaps that need to be filled.

ADDITIONAL RESOURCES TO FIGHT EMERGENCY

I am prepared to support additional resources for the District to fight this emergency, and to begin stopping the killing on our streets. I personally believe we need more police on the streets, to stop illicit activities, and by their presence prevent open violation of the law.

However, I am reluctant to support these requests for massive new resources until I, and the majority of the subcommittee, are convinced that the District is doing all that it can with the resources that it has. That will be part of the actions of the committee.

To give those who are not familiar with it some idea, we have before us both last year's budget, which is of this size, and this year's proposal. So there is a great deal of additional work that has to be done by the committee on the resources that are available.

The time is short, and I don't have to tell anybody about the severity of the crisis. We do not have time for weeks of hearings on this subject. We cannot spend time now on studies, and we do not have time for commissions or endless debate.

Some of the streets, and many of the schools in the Nation's Capital region—and I emphasize region—are becoming a nightmare—a nightmare of kids addicted, kids addicted to crack, kids killing kids, of drug peddlers being arrested and released too soon, so they are controlling and poisoning our streets.

We have an overburdened law enforcement, criminal, and justice system that is unable to stem this tide.

This nightmare has to end. We cannot allow thugs and drug pushers to rule the streets of our Nation's Capital. We have to take the streets back, and we have to do it now.

The first important question I want the witnesses to answer is what they propose to do to stop the murders. So far this year, the District of Columbia has had more murders than Beirut. We just cannot allow that kind of violence to flourish in the Capital of the free world.

The battle against drugs is a long battle, and it is one which I know this subcommittee alone cannot win, but we are prepared to step up to our responsibility, and we ask that everyone else do the same.

Again, I want to thank our witnesses for appearing, and I hope we are all ready to work together to get this job done. We will do our part, and we will be asking others to do theirs.

It is a great pleasure for me this morning to introduce our first witness, the Honorable Jay Stephens, who is the U.S. attorney for not only the District of Columbia, the Federal district, but also has the authority to prosecute in the District courts. This is part of the home rule bill, and, therefore, he is an essential operating officer, and the one who decides on prosecutions in the District.

He has been kind enough to appear here this morning so that he can give us a picture of what his office is prepared to do, what resources they may need in addition to what they already have, and the manner in which he and his office fit into the total system, from arrests on the streets through eventual incarceration, and hopefully to treatment.

Sir, it is a very great pleasure to call you before us this morning. I am a former U.S. attorney, I have great respect for the office that you hold, and I also know the great burdens and the problems that you may have.

Now, before you start, Mr. Stephens, did you have any comments you wish to make, Delegate Fauntroy?

OPENING REMARKS OF DELEGATE FOUNTROY

Mr. FAUNTROY. Thank you, Mr. Chairman.

I simply want to express, on behalf of my colleagues in the House, and the citizens of the District of Columbia, our gratitude to you for your leadership in focusing upon this serious problem confronting us in our Nation's Capital.

We have become keenly aware in recent weeks of the fact that, uniquely in Washington, DC, three-fourths of the criminal justice system involves federalized input. When our local police arrest persons, here, as in no other place in the country, we deliver them to Federal prosecutors, and when they have made the decisions as to who will be prosecuted, and what bail shall be afforded.

We then turn it over to judges who are appointed by the President, uniquely, and confirmed by the Senate, and thereafter we have a security facility situation where the Federal Government shares in the decisions on what and where we house persons convicted.

So we are so pleased with the response of the national drug czar in recommending a Federal-local partnership in dealing with the problems that confront this region, and the District of Columbia in particular, and I want to thank you for your role in bringing this to pass.

Senator ADAMS. Thank you, Congressman Fauntroy.

PREPARED STATEMENT

Mr. Stephens, it is a great pleasure to invite you before the committee. We will put your statement in the record in full, if you wish, and you may proceed in any way that you see fit.

[The statement follows:]

STATEMENT OF JAY B. STEPHENS

Mr. Chairman and Members of the Committee: I am pleased to have this opportunity to discuss with you the issue of drug-related crime in the District of Columbia, to share with you the approach of the United States Attorney's Office to drug-related prosecutions, and to explore with you proposals to stem the tide of violence and drugs sweeping the Nation's Capital. The United States Attorney's Office is committed to providing leadership to the law enforcement community on this critical matter, and we look forward to working with this Committee and others to fashion solutions to this difficult problem.

The drug epidemic engulfing this city, especially the distribution and use of cocaine and crack, and the related escalating violence, threaten the safety and sense of security of our community. The increasing number of homicides in this city fueled by a valueless drug culture has made bloodshed and killing in the streets a daily occurrence. While much of the violence is confined to those involved in illegal drug activity, the fear and concern spawned by the carnage affects all who live, work, or visit Washington.

At the root of the lawlessness sweeping this city is a wide-spread use of and addiction to cocaine-crack. The District of Columbia is generally at the consumption end of the drug distribution chain. Numerous open air drug markets, residential distribution points and active "crack houses" exist throughout the city as well as in many neighboring Maryland and Virginia suburbs. Law enforcement agencies estimate that as much as $6 to $7 million changes hands here daily in drug sales. A broad range of narcotics trafficking organizations, which include foreign nationals (Nigerian, Jamaican, Asian, Colombian, La Cosa Nostra and others), as well as Americans, operate in this city. However, the most prevalent law enforcement problem is a number of loosely structured, indigenous distribution organizations operating in this city.

The abuse of illegal drugs is widespread in this city. Crack cocaine is currently the drug of choice in Washington; PCP is second, followed by cocaine powder, heroin and various pharmaceutical pills. In studies conducted by the Drug Use Forecasting System, New York City and Washington, D.C. were the top cities, in the country for the percentage of male arrestees who tested positive for drug use. In Washington, each adult arrestee is tested by the Pretrial Services Agency before presentment in court; those tests reveal that nearly 75 of those arrested for all criminal offenses test positive for drug usage, primarily cocaine and crack.

The magnitude of the problem is also demonstrated by the massive number of drug prosecutions in the criminal justice system here; drug prosecutions constitute a substantial part of the entire workload of our Superior Court Operations Division and consume a significant part of our Federal Criminal Division resources. During the past 10 years, the number of adult drug arrests has quadrupled. This past year, the United States Attorney's Office charged nearly 10,000 adults with drug offenses, accounting for nearly half of all cases prosecuted in this district.

The impact of narcotics trafficking has also manifested itself in the homicide rate in this city. During 1988, a record number of 372 homicides were committed in Washington, D.C. As of April 14, 1989, there were already 139 reported homicides; at this pace there will be more than 500 homicides this year in a city of just over 650,000 people. Since 1985 there has been a steady increase in the number of homicides, and this increase is attributable in large part to drug-related activity. Metropolitan Police Department statistics document the escalating homicide rate (1985—148, 1986—197, 1987—228, 1988—372, 1989—127 in first quarter); and estimates on the drug-related nature of these killings demonstrate that drug generated violence accounts for most of this increase (1985—16 percent, 1986—22 percent, 1987—47 percent, 1988—60 percent). In addition, the use of firearms as the murder weapon has increased in absolute terms as well as relatively (1985—91/64 percent; 1986—114/58 percent; 1987—140/62 percent; 1988—250/71 percent).

The proliferation of drug trafficking and the nature of the associated violence have had a significant impact on the criminal justice system. At the present time the United States Attorney's Office has more than 120 pending first degree murder investigations and prosecutions. This number is nearly double the number of such cases pending just 2 years ago. With the accelerating rate of homicides in the District of Columbia, our expectation is that prosecutions of first degree murder cases will continue to increase over the next year. The increase in the number of homicides has been compounded by the difficulty in solving narcotics related killings and in developing convincing evidentiary proof for trial. The unavailability of cooperative witnesses; witnesses who themselves are heavily involved in criminal activity; witnesses who fear for their safety; involvement by persons operating outside this jurisdiction; and the execution style of killing all provide significant hurdles to swift successful justice.

To combat the tidal wave of drugs and violence in this city, the United States Attorney's Office has sought to focus our limited resources in a creative and effective manner to address this critical problem. Because this Office prosecutes cases in both Superior Court and U.S. District Court, we have taken steps to utilize the most effective Federal and local criminal statutes and sentencing enhancement provisions available. We are seeking to utilize more effectively the drug enforcement tools the Congress has given us as well as to obtain additional tools from the District of Columbia City Council, including better bail laws and mandatory penalties for use of firearms in conjunction with the commission of dangerous felonies.

Since I was confirmed as United States Attorney this past October, I have taken a number of significant steps to reorganize the United States Attorney's Office in an effort to concentrate our resources on critical law enforcement needs here in the District of Columbia. I have established a new Narcotics Prosecutions Section to provide direction to the several component parts of our narcotics prosecution strategy and have increased substantially the resources dedicated to prosecuting homicides and drugs. I have set up a Drug Homicide Strike Force designed to focus intensive investigative and prosecutive resources on homicide cases related to drug trafficking, such as homicides which result from turf battles between rival drug trafficking organizations or from efforts to impose internal discipline within a drug organization. The Drug Homicide Strike Force prosecutes cases in both Superior Court and in U.S. District Court depending upon the combination of homicide and drug charges involved. I have also created a new Special Narcotics Trial Unit which focuses on the prosecution of drug and firearms cases in U.S. District Court. This Trial Unit targets cases where we can use the mandatory penalties Congress has given us to address serious and repeat offenders.

I have also recently developed an Asset Forfeiture Unit to enhance our ability to seize the assets of drug dealers and to strip the profits from drug traffickers. This new unit works closely with our drug prosecutors to handle necessary civil litigation to seize and convert forfeitable assets. I have also increased the number of prosecutors assigned to our Organized Crime Drug Enforcement Task Force and to our complex narcotics investigations. These prosecutors focus their efforts on sophisticated drug trafficking cases, international importation schemes, and the top management structure of drug trafficking organizations. I believe this new Narcotics Prosecutions Section will give us the capability of implementing an effective strategy of targeting cases that need special attention, will improve our ability to screen all narcotics cases for forfeiture and investigative potential, and will improve our development of critical intelligence.

In addition, in order to ensure that the United States Attorney's Office is making the greatest possible impact on violent crime and narcotics trafficking in the District of Columbia, I have recently initiated an Office-wide review of our pending cases to determine if we are effectively utilizing all available Federal and local criminal statutes against those defendants charged with narcotics and firearms offenses. Since our office prosecutes in both Superior Court and Federal District Court, we want to maximize our use of the best available criminal statutes in both jurisdictions. There are several Federal statutes which provide for significant penalties for defendants charged with narcotics and firearms offenses, especially where the defendant has prior felony convictions. For example, upon conviction for drug trafficking near a school or with the assistance of a juvenile, a defendant who has two prior felony drug convictions faces a sentence of life imprisonment without parole. Similarly, the new Federal Sentencing Guidelines provide that certain "career" offenders who have two prior felony convictions must receive a sentence of imprisonment at or near the maximum statutory penalty if convicted of a Federal drug trafficking offense. Under the Armed Career Criminal Act, a person who possesses a firearm and has three prior felony convictions for any combination of violent felonies or drug offenses is subject to a mandatory 15-year term of imprisonment. These and other applicable Federal criminal statutes provide mandatory minimum sentences for dangerous offenders who are convicted of narcotics and weapons offenses, and the United States Attorneys Office will aggressively seek the imposition of the maximum possible penalties for defendants charged with these offenses. In our Superior Court prosecutions we are seeking to increase our use of pretrial detention to take repeat offenders and drug executioners off the street. We must jam the revolving door of justice and give career offenders a "go directly to jail card."

But while we have sought to redirect our limited prosecution resources effectively and efficiently, much remains to be done in bringing offenders to justice. One primary obstacle has been the shortage of prison space. For a number of years, the District of Columbia has been urged to expand its prison capacity, but little long term progress on this front has been made. The Congress has appropriated nearly $50 million for prison construction and the Federal Government has offered free land for prison sites, but the attainment of more prison space remains illusory. Instead, the city administration has threatened to shut down the jail and prison system in the District of Columbia, and has demanded that the Federal Government take more District prisoners despite the fact that nearly 2,000 District of Columbia offenders are currently housed in Federal facilities.

The D.C. Department of Corrections continues to live from hand to mouth. Instead of expanding prison capacity, the District of Columbia has enacted "emergency" legislation to empower the Mayor to give early release to prisoners who have not yet completed the sentence imposed by the sentencing judge. The Prison Overcrowding Emergency Powers Act of 1987 provides for the reduction of sentences by 90 days whenever a state of emergency exists in the prison system. An emergency exists whenever the Department of Corrections determines the population of the prison system exceeds the rated design capacity for 30 consecutive days. The Mayor has used this legislation to declare successive "emergencies" in order to reduce the prison terms of some sentenced prisoners several times. Since this legislation was adopted in July 1987, more than 3,100 inmates have been given early release under its authority. The early release of sentenced prisoners, after a successful prosecution and after a judge has imposed a considered sentence, undercuts the impact of the criminal justice system on the problem of drugs and violence in this city. Giving a convicted and sentenced defendant a "get out of jail free card" sends a contradictory message to the street.

While aggressive law enforcement can do much to stem the rising tide of drugs and violence in Washington, any lasting solution to the dramatic problems facing our Nation's Capital requires not only effective law enforcement leadership, but dedicated political leadership and the commitment of the people of this city to eliminate this scourge of drugs and violence. As Attorney General Dick Thornburgh has said, ultimately this war will be won or lost on the battlefield of values. If the people of this community really intend to reclaim the streets from the executioners and dope dealers, the leadership of this city must send a consistently strong, clear message that lawlessness will not be tolerated and must mobilize the resources of this city to reduce the seemingly insatiable appetite for crack and cocaine that fuels the violence. It is time for everyone who lives or works here to decide whether they will be part of the problem or part of the solution.

There is much that can be done to attack this problem, and I know that this Committee is genuinely interested in contributing to a solution. The public safety of our Nation's Capital concerns all of us. I appreciate the opportunity to discuss with you some of the issues posed by the current epidemic of drugs and violence in Washington, and am available to assist the Committee as it explores a number of measures to help turn the tide of violence sweeping our capital and restore order to the streets of Washington.

SUMMARY STATEMENT

Mr. STEPHENS. Thank you very much, Mr. Chairman.

I would like to make a few opening remarks and then, of course, I am available to respond to any questions that the committee may have.

I am pleased to have this opportunity to discuss with you today the issue of drug-related crime here in the District of Columbia, to explore with you the approach which the U.S. attorney's office takes to prosecution of drug-related crime offenses, and also to share with you, and to discuss with you, some proposals to help stem the tide of violence and crime that are sweeping the Nation's Capital.

DRUG EPIDEMIC

The drug epidemic which is engulfing this city, especially the distribution of crack and cocaine, and the related escalating violence, really does threaten, I think, the safety and the sense of security of all the citizens of this community.

While much of the violence is confined to those who are involved in illegal drug activity, the fear and the concern which is spawned by the carnage affects all of us who live, who work, and who visit Washington, DC.

At the root of the lawlessness in this city is really a widespread addiction to crack cocaine. There are numerous open-air drug markets here in this city, crack houses or distribution points which exist throughout the city, as well as in neighboring suburbs in Maryland and Virginia.

Law enforcement estimates that as much as $6 to $7 million exchanges hands here daily in narcotics trafficking.

There is also operating here in the District of Columbia a wide range of narcotics organizations. Many of them are international in origin. They may be Nigerian, Jamaican, Asian, or even Colombian or some traditional La Cosa Nostra.

But the biggest problem, and the most prevalent problem here in the city, I think, is the number of loosely structured, indigenous distribution organizations which operate to crack and cocaine on the streets of Washington, DC.

Now, it is no secret that the abuse of drugs is widespread in this city. If you look at some of the statistics, it really is quite overwhelming and quite appalling.

The pretrial services, which is part of the court system here in the District of Columbia, tests all adult arrestees, and we have found that 75 percent—nearly 75 percent—of all adults who are arrested for all crimes, all types of crimes in the District of Columbia test positive for drugs.

That is an astounding figure, and it suggests really what is at the root of the crime problem here in the District of Columbia.

The problem is also reflected in the kinds of cases, and the numbers of cases that we see. In the U.S. attorney's office, we prosecuted about 10,000 adults last year for drug-related offenses. That accounts for nearly one-half of the cases that are prosecuted in the U.S. attorney's office.

It occupies a substantial part of our superior court resources, and it really does consume, also, a significant portion of our Federal resources as well.

HOMICIDE RATE IN CITY

But more significantly, and I think this is the issue which you addressed your opening remarks, what we are seeing is the impact of narcotics trafficking on the homicide rate in this city. During 1988, we saw about 372 homicides, an astounding figure, and already this year I think we are up over 140 homicides.

If you compare that with other cities around the country I think you will find that it is a remarkable statistic. Your home area of Seattle, I believe, is probably at somewhere around 70 homicides, in a city that is substantially larger, I believe, than Washington, DC.

So we are approaching, on a projected scale, almost 500 homicides here in Washington this next year.

What we are seeing is really a substantial escalating curve. Metropolitan Police Department statistics show that in 1985, about 148 individual deaths were attributable to homicides; in 1986, 197; in 1987, 228; and in 1988, as I indicated, 372.

The statistic that really correlates all this is the relationships to drug trafficking. In 1985, MPD statistics indicate that about 16 percent of the homicides were related to narcotics, in 1986 it had risen to 22 percent, in 1987 to 47 percent, and this past year somewhere in the neighborhood of 60 percent or more.

So you can see that virtually all of the escalating levels of homicides are attributable to narcotics trafficking.

If I could, I would like to take just one moment with the chart that would help demonstrate the statistics which the Metropolitan Police Department has indicated.

Senator ADAMS. Please do.

Can everyone see the chart? If not, if you would assist the U.S. attorney so that everyone can see it.

DISTRIBUTION OF POLICE DISTRICTS

Mr. STEPHENS. This chart before you shows the distribution of the police districts here in the District of Columbia, with which obviously all of you are familiar.

If we take the overlay, the Metropolitan Police Department has devised and articulated and defined certain open-air drug markets which operate here in the city. These are represented on this chart by the blue squares, and they are distributed, as you can tell, in particular parts of the city, and in many respects they are concentrated in particular areas of the city.

Now, what I want you to see is a very telling point, if we take the homicides for 1988, which is represented by the next overlay, by the red dots, overlay that over the open-air drug markets and you can see that in the vast majority of cases, the homicides correlate very specifically to the drug market areas.

I think this demonstrates merely the tight correlation between the selling of the drugs in the streets, the distribution organizations that are operating in some of these open-air drug areas, and the homicides that tie into them.

In fact, the homicides that are nondrug related over the last several years have maintained a relatively flat level, with the typical kind of homicides growing out of robberies, armed robberies, and domestic disputes, and other kinds of violence on the streets that may go bad and develop into killings.

So the problem here is a very tight correlation that we need to address and, as the Chair has indicated, the problem of homicides in the city is dual-sided, and we need to address both problems together, because they are very tightly and closely related.

As I have indicated, the number of homicides, the level of drug trafficking has had an impact on our office, and, as the Chair has indicated, we do have a responsibility in the District of Columbia for prosecuting cases both in superior court and in Federal district court.

NUMBER OF FIRST-DEGREE MURDER CASES

We have currently pending in our office about 120 first-degree murder cases. That is a——

Senator **Adams**. One hundred and twenty pending first-degree murder cases?

Mr. **Stephens**. First-degree murder cases. Now, that does not include second-degree murders, manslaughters, or negligent homicides. These are pending first-degree murders. They are either pending grand jury or pending trial.

That number really represents about a twofold increase in the last 2 years, and that is an astounding figure, as well. But what we are seeing, which has even a greater impact on——

Senator **Adams**. How many attorneys do you have assigned to that, Mr. Stephens? That is incredible.

NUMBER OF ATTORNEYS ASSIGNED TO HANDLE FIRST-DEGREE MURDER CASES

Mr. **Stephens**. We have 15 attorneys now assigned. I have doubled the number of attorneys assigned to handle first-degree murder cases in the last—well, as I have indicated, and I will explain a little bit more later, I have set up a drug homicide strike force to focus on some of these cases specifically, and we added some resources to our felony-one section which prosecutes these kinds of cases.

We still will need additional attorneys to handle these, because this is where there is a logjam and a bottleneck in the process, so we can explain and talk about that a little bit more, in terms of the timeliness of how these cases move through the system, our ability to investigate them, and the police department's ability to close them.

Because these are difficult cases. These are not easy cases to investigate, they are difficult cases for the Metropolitan Police Department because of the nature of the witnesses, and they are difficult cases for the U.S. attorney's office to develop convincing evidentiary proof for trial.

Because frequently we see witnesses who have no credibility, or very little credibility, we have witnesses who are as culpable in many respects as the defendant, in the kinds of conduct that are out there. We have witnesses who are unreliable, witnesses that you cannot find, impacts from other jurisdictions, by actions taken there, and then of course, the simple execution style of killing that is going on here, which makes it more difficult to develop a good, strong prosecutable case.

Senator **Adams**. Would you describe that, Mr. Stephens, for those who do not understand execution style killings?

Mr. **Stephens**. Well, we have seen a substantial increase in literally a situation where someone will approach another individual on the street, have them lie face down on the street, and put either a 9 millimeter or a .45 or a .38 at the back of their head and pull seven rounds. Obviously, it has a devastating effect.

Although we have had cases where individuals have survived that, only to be the subject and target of a subsequent execution attempt.

It is dramatic. I mean, these are not just haphazard shootings, these are situations that grow out of turf battles between rival organizations that are operating here in the District of Columbia, they grow out of an effort to discipline, or impose discipline within a narcotics trafficking organization here in the District of Columbia.

Frequently it will be a drug sale that goes bad, or a drug deal that goes bad, where someone has been given an advance of drugs and doesn't come back with all the money, so you do your deed, and you bring in—the organization head brings in one of his lieutenants and executes the individual.

It is an astounding level of violence that is going on, and it is done with a seeming total disregard for human life. I mean, the valuelessness of human life is what comes through in much of this.

What is driving this, the drug trade, and the valuelessness of drug abuse and use here in the city, and the willingness to kill without thought is a remarkable phenomenon that really is something that creates a difficulty, obviously, for police, for prosecutors, and it says how fundamental the problem is that we all need to address.

We tried to take some steps to address this problem, and try to focus our limited resources in the U.S. attorney's office in a creative manner, and an effective manner, to address the particular problem.

As I indicated, we prosecute cases in both superior court and in the district court, and what we are trying to do is to get a handle on the most effective statutes that we can use to prosecute the individuals that we are trying to target, and the individuals who are arrested.

We have made some substantial changes. We have reorganized the office. Sometimes that is difficult to do, but we have made some significant changes to focus our prosecution efforts.

NEW NARCOTICS UNIT

Since I was confirmed as U.S. attorney in October, we have set up a new narcotics unit. This unit will give direction and guidance to a whole narcotics strategy, and within that strategy is, as I indicated, the drug homicide strike force, which I set up in January. We have right now five very senior attorneys assigned to that.

That is designed to focus intensive investigative and prosecutive resources on drug-related, organizational-related homicides, and these take more investigative work, we use more sophisticated investigative techniques, whether it be surveillance or undercover, more investigative grand jury resources, to focus intensive resources in trying to break into some of these organizations.

I think we have had some success. In fact, we have had some notable success, as indicated by actions this weekend.

Also, we have set up a new drug trial unit, that will focus trial attorney resources on those cases where we can get mandatory sentences.

I have to say that I am pleased to say that Congress has given us some very good tools—certainly in the 1988 Anti-Drug Abuse Act, and there are also some very good tools in the 1984 Comprehensive Crime Control Act, as well as the particular legislation, the Armed Core Criminal Act.

PENALTIES

We intend to try to use these as effectively as we can to focus our prosecutive resources, so that we can use those penalties. And if you think about those penalties, they are remarkable, if and when you can lay the predicate.

The predicate generally is two prior drug convictions—under the provisions of the Anti-Drug Abuse Act of 1988, if you have two prior felony convictions, and you are convicted of distributing drugs within a neighborhood of a school yard, or convicted of using a juvenile to assist in that, you get a mandatory life without parole.

That is a significant penalty, and it is one which we are going to start using. We have recently surveyed—actually, we are in the process of surveying the entire caseload in the U.S. attorney's office to determine whether we have any cases that would come within that predicate.

Also, under the Federal sentencing guidelines, where you have two prior felonies, and you are convicted of a drug felony, there you can also get at or near the maximum penalty permitted by the statute.

And also, as I indicated, the Armed Core Criminal Act is something that we will try to use even more here—if you have three prior felony convictions for any combination of violent crime or serious drug offenses, and you are then convicted of a firearm offense, it is a mandatory 15 years without parole.

So these are statutes which we are going to try to use.

We want to use them in conjunction, also, with our organized crime drug enforcement task force, which, of course, is the Department of Justice's initiative, growing out of an 1985 period, and it is a very effective use of pulling together all of the investigative agencies on the Federal and local side—the FBI, the DEA, at times ATF, IRS, and the Metropolitan Police Department, to focus on certain kinds of trafficking organizations.

We are adding people there, we are adding people to our senior prosecution level so that we can focus on some of the financial litigation that is necessary.

ASSET FORFEITURE UNIT

We have also set up an asset forfeiture unit, which is designed to take the profits out of drug trafficking, to have some senior lawyers there to work very closely with our criminal lawyers, to be able to do the necessary civil litigation to seize assets, and to strip those assets, and to follow on through with the necessary litigation that it takes to make that effective.

These are a few of the things that we are doing to redirect our resources, to target our resources on some of the serious offenders, because I think it is important that we stop and jam the revolving door of justice, and take some of these serious offenders, and repeat offenders, off the street, not for a week, not for a year, but, as the Congress has passed in legislation, for a mandatory 15, or a mandatory life, without parole.

Now, there are some obstacles, and I won't spend a lot of time on this, but the committee has an opportunity to explore those and to discuss those, but we have seen some obstacles in the process.

Some of them are resource related, some of them are institutional related, and I think some of these efforts have been made to address them.

PRISON SPACE

One of them, of course, is prison space, and there is a substantial obstacle in this District by the shortage of prison space. For a number of years the District has been urged to expand prison capacity—to date that has not occurred.

As you know, the Congress has appropriated $50 million, the Federal Government has offered some land to assist in this area, and while there has been expansion of existing facilities, there has really not been any new construction of prison space yet.

I think there are some things that need to be done here, because it does have an impact on prosecution, particularly when you see, instead of sending a clear signal and a clear message to the streets that says if you commit this offense you are going to get locked up and you are going to stay there, what we are seeing, in fact, is handing the convicted defendant a get-out-of-jail-free card.

PRISON CROWDING EMERGENCY ACT OF 1987

I say that because, instead of building more prison facilities, what we have here was the District of Columbia enacted emergency legislation, the Prison Crowding Emergency Act of 1987, which really provides for a reduction of sentences, and that provides for a 90-day reduction of sentences if an emergency is declared, and an emergency is declared when and if the prisons are overcrowded.

Well, what we have seen is, the city has employed that not once, but they have piggy-backed it, two, three, and more times, so that a convicted defendant, instead of serving his sentence after being arrested, after being convicted by the prosecution, and after a judge has considered all the factors and imposed sentence, the individual sentenced is then let out early, before serving that sentence, by a successive reductions of sentence because there is not sufficient prison space.

Our statistics indicate that since 1987, when that was enacted, 3,100 prisoners have been let out——

Senator **Adams**. How many?

Mr. **Stephens**. Thirty-one hundred have been let out of prison before completing the service of the sentence imposed by the sentencing judge.

Now, it seems to me that is really handing a defendant a get-out-of-jail-free card, and it sends a message to the street that somehow or other either we do not care, or we do not have the ability, or we do not have the commitment necessary to keep some of these offenders locked up.

While there is a lot, I think, that Federal effort can do, and a lot that the local effort can do, there is a limit, obviously, to some of these things. I think aggressive law enforcement can do much to stem the rising tide of drugs and violence here in the city, and as the U.S. attorney I am prepared to provide the leadership of my office to work with law enforcement agencies to turn that tide, and to stem that tide, and to try to make a difference here.

But the problem is deeper than that. As Attorney General Dick Thornburgh has said, ultimately the war will be won or lost on the battlefield of values, and this really depends, I think, on political leadership, on the commitment of the people of this city to be willing to make the kind of commitment that it takes to turn the tide and make a difference.

Because ultimately everyone who lives here, everyone who works here, is going to have to decide whether they are going to be part of the problem or part of the solution in this city.

As I indicated, I think there are some things that can be done. I know this committee is genuinely trying to explore some of those ideas, to get a sense of what could be done, where we could make a difference, where resources may make a difference, where some structural changes may make a difference, where some additional legislation may make a difference.

We are prepared, at the U.S. attorney's office to work with the committee and anyone else in this city who has some ideas to both attack on the law enforcement side, but also to deal effectively with demand reduction, because that is a critical, long-term solution to this problem.

Mr. Chairman, I think that gives you some sense of some of the issues that we are trying to address in the U.S. attorney's office. It is not an easy problem. As I indicated, we are trying to approach this in an aggressive manner, we are trying to use our resources creatively, but it is a substantial problem, and it is a problem that a lot of good people have tried to address through a variety of different ways.

I welcome the committee's interest in this problem, and your efforts to help fashion some additional solutions to this issue, and we stand prepared to work with you to see what we can do to provide any additional guidance or assistance in that effort.

Thank you very much.

Senator **Adams**. Thank you very much, Mr. Stephens.

I think you put it very well in your last few remarks. We do not believe that the solution is just in numbers of prosecutors, or numbers of police, or numbers of spaces for incarceration.

But we have, and that is the reason we asked you to be here this morning, we have an immediate problem of stopping the killing, and the question that I have, did your office receive any additional manpower from the antidrug appropriations, the bill last fall?

INCREASE LAST YEAR FOR U.S. ATTORNEY'S OFFICE

Mr. STEPHENS. Yes; we did, Senator. We received a significant increase. We received an allocation of 28 assistant U.S. attorneys. I made a plea to a department that we needed more resources here and across the board in our efforts, we devised a plan of how we would use those resources, I have sketched out to the committee this morning some of the new initiatives we have taken to use those resources, and the Department of Justice, I would say, was very generous with the U.S. attorneys that——

Senator ADAMS. So you did get a flow——

Mr. STEPHENS. We did. We brought some of those folks on board, we have an additional complement coming in in May, and we will have some additional attorneys coming in in the summer.

I will add a caveat here, since this is part of your appropriations process, consistent appropriations, as you know from your experience at the Department of Transportation, is a very important executive branch agency.

We were operating in the first 8 to 10 months of 1988, calendar 1988, under an appropriation freeze, effectively, which meant that we had to lose 10 percent of our staff. We lost 20 lawyers. That has a dramatic effect on the ability of our office to consistently prosecute, because caseloads build up, and it has an effect on morale, obviously.

So I say that as an aside, consistency in appropriations has a significant benefit when you are trying to run an organization.

We have built back those 20 lawyers, and we have added approximately another 15 today, we will add another 15 in May, and by midsummer we will be up to our full complement, having hired approximately 65 lawyers, or 60 lawyers by July, from October to July, which is a substantial number of assistant U.S. attorneys to hire, to train, and to bring into an organization, even one as large as ours, which will have about 235 lawyers by the middle of summer.

That raises some management issues, but I think we have dealt with those. We have developed new training programs to get these people on line and on board so they can contribute to dealing with the problem of drugs and violence here in the city.

Senator ADAMS. And that was my second question, which is, have you been able to retain your senior trial lawyers?

Mr. STEPHENS. YES.

Senator ADAMS. Because I know the difficulty of trying, particularly murder-one cases, which I am staggered at the number that you have pending.

Mr. STEPHENS. I appreciate your understanding of that, because the public doesn't generally understand what it is like, day after day after day after day—I know the Metropolitan Police Department homicide detectives do understand that—to deal with a situation where you are dealing with victims and family members, and the tensions and pressures of first-degree murders, executions, and if a lawyer in our office is going to have 15 or 20 of those cases assigned, and that means every day, bang, bang, bang——

Senator **Adams**. You have got to have some senior people who are very tough.

Mr. **Stephens**. We have some tough senior people, and we are bringing on some more very talented people who can assist in that effort, but it is a significant——

Senator **Adams**. Two years, it takes.

Mr. **Stephens**. Pardon.

Senator **Adams**. It takes 2 years.

Mr. **Stephens**. Well, it takes a long time to get the kind of seasoning we need to deal with that, because you are up against seasoned defense counsel, and you are——

Senator **Adams**. But I am pleased with the size of your office, and that you have received these.

I will be very quick, because I do want—I know we have the Mayor here this morning, and I want to have a full presentation of his plan.

But he released a plan, Mr. Bennett did, on April 10, that called for 10 military lawyers to be added to your office. Do you expect those to arrive, and are they coming?

Mr. **Stephens**. I do expect that we will get some assistance from the military. These will be, most likely, special assistant U.S. attorneys. In other words, they are assigned for a short period of time. It may be 6 months.

I think that provides what Secretary Bennett has indicated as sort of some breathing room. It gives us some temporary, additional assistance. It will depend on the nature and the level of experience of those lawyers, where they would get plugged into our office.

It may be that they would be plugged in at one level and we would move more experienced people into the situation of dealing with the homicides, and dealing with the drug organizations. Those people are not yet on board.

Obviously, temporary resources are not as good a permanent resources, but we will take temporary resources, and will use them as effectively as we can, at whatever position in the office they can best be utilized.

Senator **Adams**. I would ask you a technical question, but it goes directly to the funding portion of this committee and of other committees.

You indicated the horrifying fact that people are moving out on the streets after they have been through this elaborate process of arrest, prosecution, and conviction. You have the power as U.S. attorney to take cases on the Federal side or on the superior court side, isn't that correct?

Mr. **Stephens**. That is correct, sir.

Senator **Adams**. Are you planning to take these homicides, or a great portion of them, on the Federal side, because I understand that there is more space available, and an ability to hold longer on that side?

I am trying, because there are a number of members of the committee that do not want to give any more resources, unless resources are being appropriately used, but I am just interested in one thing right now, and that is getting these killers off the street, and having them put away and held out long enough so that we can get the next group out.

Do you have enough lawyers, and enough space in the Federal system, to do that on the very dangerous homicide ones?

DRUG CASES FEDERAL OR SUPERIOR COURT

Mr. STEPHENS. We will address the homicides on the Federal side where we have some related Federal statute. If it is simply a straightforward homicide, without any evidence of drug trafficking, those cases would still be brought in superior court most likely. That is the appropriate jurisdiction, and normally, under the way the rules work, we can bring a D.C. Code violation in Federal court, provided it is related to a Federal code violation.

But to answer your question, yes, we will be bringing some of those cases in Federal court, because some of them, as we have developed through our drug homicide strike force, do tie in, and do relate to narcotics trafficking organizations, so we charge a RICO, or we charge a continuing criminal enterprise, or we charge a distribution network, and we can link homicides to that network, those homicides will be tried in Federal district court.

Given the numbers, I think there is space in the Federal system to deal with——

Senator ADAMS. That is what I was going to just check with you, because Mr. Bennett's plan called for reserving 250 beds in the D.C. jail for Federal prisoners, and I am not certain of his plan, in the sense of how many beds he was to make available in the Federal system.

But you have testified that you had pending, at the present time——

Mr. STEPHENS. About 120 first-degree murder cases.

Senator ADAMS. About 120 first-degree murder cases, and I wanted to be certain that if you are successful in these cases that the mandatory sentences that you mentioned be applied, because we hear various rumors or statements and so on, but that if you could remove some place between 100 and 300 people from the streets that the homicides would go down dramatically.

Mr. STEPHENS. Let me say on the homicides, I think, we will find the space to deal with those upon conviction. There are a couple of issues that do relate to that which could make a difference, and some of them are legislative.

GOOD TIME ACT

The District of Columbia has passed a Good Time Act, which provides that you get your prison sentence reduced. It applies across the board, but by regulation it is not being applied to first-degree murders.

It doesn't mean that legally or technically it might not apply to first-degree murders, so it seems to me, rather than having someone convicted of first-degree murder and possibly having them get out on the Good Time Act, the District ought to consider, or should consider, at a minimum, passing something that suggests life without parole for some of these individuals who are committing these homicides.

On the Federal side, of course, where we can, there is other statutory structure there for including the Federal death penalty, but that applies in a limited number of cases where a law enforcement officer is killed, or in certain limited category of trafficking organizations.

But on the superior court side, where we are seeing the vast number of homicides prosecuted, we really could use a more substantial penalty structure. It just sends the wrong signal that it is 20 years minimum, and then some of that may get lopped off through good time.

It seems to me that in some of these executions, you do the deed, you are gone. And that is the signal that needs to be sent.

Senator ADAMS. Thank you, Mr. Stephens.

I have some more questions, but I will submit them in writing, and I don't want you to feel that because my questions have focused so tightly on homicide-one and on your office resources there that I am not concerned about the whole range of treatment, other types of arrests, and so on.

But I do not see how we can deal with the problem itself, of the pervasive drug action here until we stop the killing and take back the streets, and I am trying to determine what resources this committee and other committees need to place into that specific activity, and not denigrate or stop any of the other activities.

But you have convinced me this morning, I think, that your office is prepared to do this, and I appreciate your testimony, and thank you for coming.

Senator Gramm?

OPENING REMARKS OF SENATOR GRAMM

Senator GRAMM. Well, Mr. Chairman, let me thank you for holding this hearing.

I was late this morning because I was at another drug meeting, so at least here in the Capitol we are working away on this problem, and I hope we are beginning to work with some degree of effectiveness.

Mr. Stephens, I have had an opportunity to visit with you on other occasions, and I appreciate your input in trying to help us deal with this problem.

Do you have any idea, out of those 125 first-degree murder cases, how many of them would be eligible for the death penalty under the new Federal statute?

Mr. STEPHENS. I think a limited number, Senator. Well, obviously for three reasons. The first reason is that the death penalty is effective November 18, 1988, upon signature by the President, so any offenses which occurred before that would not be eligible.

Second, I think I can say with some assurance that, to my knowledge, none of the pending homicides on the superior court side involve killing of a law enforcement officer, which eliminates the second big category of where it would apply.

The third is a category of sort of a drug kingpin, where a murder occurs in the course of that serious narcotics trafficking, and that is one where we would need to take a closer look, whether the kinds of cases we are seeing related to trafficking organizations, or whether they relate to an individual execution that is because of a particular drug sale that has gone bad, or a drug ripoff.

So that the numbers there probably would not suggest that there is any large scale number that would come under the new Federal statute.

Senator GRAMM. Well, let me urge you, Mr. Stephens, to do that, because I understand they have lots of room where these people would go if they were executed for murder.

We passed that law with the objective of trying to address drug-related murders.

I would like to also ask for your input. I think a decision is going to be made pretty quickly that we are going to have another drug bill, and I would like your suggestions on how we might broaden the Federal death penalty, to see that we get some effective deterrent, because while I support building more prisons, and while I support mandatory sentencing, what we also need is an effective deterrent, where criminals can't look at prison overcrowding and say, well, there is no room for me, or I am going to be tied in the system so long I will die of old age before I get sentenced.

If you would look at the statute as it was originally drafted, if you have any suggestions as to how it might be broadened to help you in this area, I would appreciate it if you would let us know.

Mr. STEPHENS. Thank you, Senator. We will take a look at that.

Senator GRAMM. Let me ask you, with regard to the functioning of our legal system here in the District of Columbia, on the District side and on the Federal side, do you have any suggestions that you could make, and if not now I would take them in writing later, as to how we could move to streamline the process, to try to deal with this problem more effectively than we are dealing with it?

I am alarmed when I hear these figures, and I guess the one we heard the other day was something like 45,000 people arrested and 1,400 ending up going to jail. That is crime without punishment, and I don't think that we ought to be surprised that under those circumstances we have lots of crime.

Are there any suggestions that you have as to how this system could be improved?

Mr. STEPHENS. Well, I have a number of thoughts, and it may be that they are things you would like to discuss, the committee would like to discuss either today or elsewhere, when we can sort of sit down and walk through and explore some of them, because some of them involve technical issues.

But as to some general approaches, obviously we need to look at the criminal justice system as an integrated kind of operation. Police have an effect on prosecutors, prosecutors have an effect on courts, and courts have an effect on prisons, so we need to take an overall, integrated look at that.

STREAMLINING PROSECUTIONS

I think there are some ways we can streamline some of the prosecutions. I have looked at our office, and the kinds of prosecutions we do, we handle—as I indicated—about 10,000 drug prosecutions a year. A little more than one-half of those are felonies, and the rest are misdemeanors.

The misdemeanors take just as much time to prosecute as do the felonies, on the average. They are jury trials, they have all the same kinds of issues, it requires as much court time, but, in fact, the bottom line result that we are seeing is not the kind of bottom line result that we would like to see, because today's misdemeanor becomes tomorrow's felon, all too often.

So I think there are some streamlining procedures that could be implemented in terms of how misdemeanor cases are tried, with some mandatory penalties, perhaps nonjury trials, we could utilize few judges, fewer prosecutors, and we could move those judges and prosecutors into the first-degree murder area.

Also I think there are areas in terms of bail. Right now, presumptively, everybody who is arrested in the District of Columbia, not in the Federal system, is released, even if you test positive for drugs, even if you come back—then it is a matter of whether the judge wants to hold you in contempt and revoke your bond if you continue to test positive for drugs.

There are some areas in pretrial detention I think we could strengthen. It seems to me it makes a big difference, it makes a very big difference, if someone is arrested, they are detained, and they are prosecuted, and they are convicted, rather than they are arrested and put back on the street for 10 months while the system processes them through, and it increases the likelihood, I think, of deterrent substantially.

It just sends the message that you are not just rolling the dice, you are in, and when you are in you are going to stay in.

We do get a very, very high percentage of convictions of those who are detained pretrial. I think we can increase that. That may require some legislative changes from the council.

I think some mandatory penalties in the area of firearms. I know the emergency legislation that the council enacted, I testified in support of that. I think it is important that something like that become a permanent feature.

We have that on the Federal side with 18 U.S.C. 924(c). On the District of Columbia's side we could use some penalties that, when you are using a gun, and you are out there peddling drugs, there ought to be something mandatory that says not only can you be detained, but then you are sentenced for the 5 years or 10 years, depending on what—first or second offense.

There are also some issues in regard to prisons. Judges, of course, you will need to think about and consider, because right now, for example, in the first-degree murder area, we have indicted cases in February and March and they are being set for trial in October and November, and that is the first trial date. They may very well get kicked over.

And I don't say that with casting any blame, it is just a fact of life. We have difficulties moving cases through because of the numbers, we have difficulty at times making or getting indictments because of the unreliability of witnesses, and the courts are facing similar problems.

And in some respects, one could go the next step further and say that there may be even a shortage of defense counsel to handle this kind of increase in these serious kinds of cases.

So it is a systemic problem that the committee should take a look at.

Senator **Gramm**. Well, let me say, any suggestions you have got, if you would give them to us in writing, we will try to see they find their way into the right piece of legislation.

Thank you, Mr. Stephens.

Mr. **Stephens**. Thank you very much, Senator.

Senator **Adams**. Thank you, Senator Gramm.

Senator Fowler?

OPENING REMARKS OF SENATOR FOWLER

Senator **Fowler**. Mr. Chairman, thank you.

Mr. Stephens, I join with Senator Gramm in also thanking you for your active involvement in your office. We have all had some private meetings in trying to find a way to have a coordinated plan, and we will continue.

As you know, and the Mayor knows, we are trying to be helpful, because of this emergency.

I want to come back to a theme that I just—I cannot get out of my head in all of this talk about hospitals and judges and jobs—I understand that, I think, from my 20 years now of public life, and I realize that all of these go into make up a serious crime problem and drug problem.

But in hearing the public statements of our public officials, ourselves included, at all levels, I just do not hear that note of extraordinary alarm over the killings that are going on here, and how they must stop.

Or, to put it another way, we can debate how much is too much, and how much is enough, in the number of beds we need, and judges we need, but until the killings stop there is no way to get this under control.

We have got to reduce the homicide rate.

Now, I am not only not an expert, I surely do not want to be any self-styled expert, which is what we are all guilty of around here. We fly off to Nicaragua for a weekend and we come back, and we are experts on Central America. We fly off to New York and we see a drug treatment center, and we are experts on drug treatment.

But again, speaking as one enraged citizen, we cannot wait another year or year and a half, and let another 300 to 400 people die in the Nation's Capital.

POLICE FORCES IN WASHINGTON

Now, Congressman Fauntroy has a reasonable part of a plan that I understand is being discussed, and that is recognizing that we have got four police forces in Washington, not just one. We have the Capitol Police, we have got the Park Service, we have got the Uniformed Security Service, and we have got the D.C. police force.

Various estimates are that that force, the other three, would make up 2,500 to 3,000 additional police already under uniform and under Federal jurisdiction, if they were a part of the District's police force. And I would assume that, where they may need some training, they certainly wouldn't take a year, as is proposed under both these plans.

I know it is not fashionable to talk about the use of police power, but still ain't nobody gonna convince me that having teams of two to four police per block, in the 50, 60, or 70 blocks where all this killing has been going on, where 95 percent of it has been going on, will not diminish the number of homicides.

And with all due respect to both plans, the administration's plan certainly does not make law enforcement the highest priority, on paper. By that I mean, a plan that would at least have a goal of getting 367 or 400 killings down to 100 this year.

And the Mayor's plan asks for 700 new officers, but it is going to take 1 year to train them, and in that time we are going to lose another 300 lives. That cannot be acceptable.

With all the resources of all these levels of government, surely we can come up with a strategy that at least immediately, within 2 weeks—it should be 2 days—but within 2 weeks there is a strategy that goes into the streets to let everybody know that we mean business, not only the killers, but as Mayor Barry testified last week, to let the good citizens who are trying to live and raise their children in those blocks to know that the Government means business.

And we are going to be there, and we are going to stay there until we get the killings down.

Then we can worry, Mr. Stephens, with all respect to you, about this battlefield of values. What in the heck does that mean? I am not just picking on you, but I read this, and I hear this, this great battlefield of values, and we can sit in the ivory towers and debate with what wonderful elixir of social improvements and jobs for uneducated kids, and what kind of drug treatments might work.

We do not have the luxury to have 1 year of debate on the battlefield of values.

We have got the most basic value of all, human life, being eliminated at an increasing rate every single day in the District of Columbia.

And if I have to be the only one, and it ain't my style, to continue to say that, over and over again, I am going to do it, until it is at least tried to see if we cannot reclaim some streets.

But all I know, as I told you the other day, if we have a map—and let's get one—there it is—we can pinpoint these things. I don't know what the figures are—I will let the chief tell me, but there are areas, certain blocks, where there have been extraordinary percentages of these killings.

I don't care who does it. I now read in the paper where we try to say that other cities are doing better than us, and we are not doing as bad. Every government has failed its citizens in the fight against drugs.

You cannot show me a government in this country, local, State or Federal, that has not failed its citizens in the fight against drugs.

What is unique about the District of Columbia is, we have got all the resources in the world, if we come up with a strategy. We cannot wait for the Secretary, Secretary Bennett, to develop a national strategy by September, and concede the lives of another 200 people during that time.

Mr. Stephens, I am giving you the benefit of this wonderful lecture only because the Mayor heard it last week, but you are in law enforcement. You are in law enforcement. And I do not hear, or see in your statement—and I know that you are on the back side, after the killing is already done, in most cases—you are talking about judges, incarceration, and all that sort of stuff—anything about prevention.

And I guarantee you, you ain't gonna prevent it by sitting around talking about values. They have got no values. If they had any values, and the job had been done by their parents and by the churches and by the schools, and by all of us who have failed the positions of public trust, then there wouldn't be killing.

I am not going to sit here and wait on 800 policemen to be trained. By then we will be up to 400 a year.

I know what a lot of these arguments are, I have heard them privately and publicly—"if we go into one spot we are going to chase them over here to another one." Well, we will just chase them over there to the other one. We will keep chasing them until we maybe chase them under the sea or something.

The defense rests.

I do think, Mr. Chairman, and I won't say any more, that we ought to give the U.S. attorney a chance to at least tell me what his new priorities are. [Laughter.]

Senator **Adams**. I might state, Senator, that prior to your arrival this was echoed by a number of others, that we have to get the streets back, and the only way to get the streets back is to stop the killings, and that we did have an excellent explanation from the U.S. attorney of what his role is.

But there has been agreement among the committee on doing that.

Senator **Fowler**. Well, I thank you, Mr. Chairman.

Mr. **Stephens**. I would like an opportunity to respond to that, Mr. Chairman.

Senator **Adams**. Please, Mr. Stephens, you are the witness.

Mr. **Stephens**. I think the statement we made here today, the approach taken by the U.S. attorney's office is right down the line with what you are talking about, Senator Fowler.

FIRST PRIORITY TO STOP KILLINGS

The first priority is to stop the killings, and to prosecute the accused killers. That has to be the No. 1 priority. As you have indicated, the most fundamental right under the Constitution is the right to be secure in your home and on the streets.

We have set up the drug homicide strike force, we have doubled the number of resources going to first-degree murders. What we are doing——

Senator **Fowler**. It does not say this is this plan.

Mr. **Stephens**. That is not my plan.

Senator **Fowler**. Well, it is the administration's plan. I assumed that it is the one you are trying to implement.

Mr. **Stephens**. That plan says we will target——

Senator FOWLER. This is the Bennett plan.

Mr. STEPHENS. That says we will target the most serious offenders. That is what it says. And we are looking at targeting—and I think, if I understand what Secretary Bennett said, he said we will target the most serious offenders to give some breathing room, to provide the ability to come in underneath with this longer-term solution.

I agree. I mean, we have a problem, and we have been trying to address that problem, in terms of prosecutions, and focusing prosecution resources on the most serious offenders and repeat offenders.

And as I said, I think you were in this room, we are going to use the mandatory life without parole, we will use the death penalty where appropriate, we will use the mandatory 15 years, the armed core criminal statute. We want to take these guys off the streets under pretrial detention.

Now, we may need some assistance to do that, and it may be that some police assistance would assist. I am not here to develop and devise and tell you, or tell the Metropolitan Police Department how it should run its business, but I think some focus on homicides is critical, by our office, which we are trying to do, and we can do, and by the Police Department, and by this city.

That is the No. 1 priority. All the rest——

Senator FOWLER. Will you consider, given all respect, everything you just said, most of it, is after somebody has already been shot. We have got to stop them before they get shot.

Mr. STEPHENS. Well, what do you suggest, Senator?

Senator FOWLER. Well, I just made my suggestion. No. 1 is, we try to take the streets back. Try to free up some territories where people are being killed, and where people have been killed for the last 3 or 4 years, and see if you can't do it.

At least give a try to Mr. Fauntroy's plan. If you had 3,000 already trained that you could use, surely they would have some impact.

Mr. STEPHENS. I had a suggestion today that increased armed presence is not something that——

Senator FOWLER. No; there is a thread that goes through this—I do beg the committee's indulgence—there is a thread that goes through all the testimony that we have had, public and private, last year and this one, that police power is somehow to be understated, a secondary business in this battle.

But you have got to prevent it, and the only way I know to prevent it is with police presence/power, and the D.C. police, from all the figures that we have had, have done an extraordinary job with the arrests.

You testified to that, everybody testified to that. Arrested 45,000 or 50,000 people a year, then we get into this question, that obviously the 40,000 or 50,000 arrests have not done the job. More people have been killed.

Mr. STEPHENS. They are not the arrests for those who have committed the homicides.

Senator FOWLER. That is part of the problem. But when I see this outline of this plan, to be fair, there is nothing in it that hits me as an old local officials, as an old city councilman—I used to ride around with the police, and do all those things to make myself an instant expert—that smacks of an emergency.

And I am just giving you the lecture because, as the highest Federal law enforcement official in this District, we have got to say, "boys, we are going to worry about white-collar crime, since we don't do a very good job on that anyway, next week."

Mr. **Stephens**. I would beg to differ. I think we do a substantial job on white-collar crime, and in this District we do an excellent job on white-collar crime, Senator.

Senator **Fowler**. I stand corrected, and I apologize. That was not meant as a barb, that was meant nationwide, but I appreciate your correcting me, and I apologize.

But whatever you are doing down there with your people, it is not as important as preventing another 400 people from being killed in the District of Columbia.

Senator **Domenici**. Mr. Chairman, Mr. Chairman.

Senator **Adams**. We will be back if you wish some more time.

Senator Domenici?

OPENING STATEMENT OF SENATOR DOMENICI

Senator **Domenici**. Mr. Chairman, I think my friend from Georgia expresses valid concerns. I did not get to hear his entire presentation, but——

Senator **Fowler**. You are lucky. I have a tape here that I can run. [Laughter.]

Senator **Gramm**. Don't play it again.

Senator **Domenici**. I will be glad to listen to it, perhaps during one of these endless budget sessions I will sneak out and hear something that is a good change of pace.

Mr. U.S. Attorney, I am very interested in what you have to say to this subcommittee.

First of all, it is my observation that a number of the murderers in this town are probably repeat murderers. I personally believe you stop murder by putting some murderers away. We are not doing that, as far as I can tell.

I would like to know, from you, what you need to effect arrests for the most serious crimes, including murder; what you need to make sure those arrested don't get out on a cheap bond, or no bond at all; that they get prosecuted quickly; and that they get put in prison.

I believe this is a series of steps that need to be taken, but I believe the people of this town have to see some of those who did the murders, and the most heinous crimes, disappear from the streets.

Now, it doesn't seem to me that we are asking law enforcement officers to go out there and shoot them; this is America. They have to be arrested, but they can't get right out on bond. Once they are arrested, you have to keep them in jail, and you need to tell us what you need to try them expeditiously, and second, whether you have the facilities necessary to put them away.

I said at a previous hearing that I am not impressed with 40,000 arrests. I am still not impressed. I was recently in a community in my State, where alcoholics—drunks in the street—went in and out of jail to the tune of about 40,000 a year, but community officials thought it was principally made up of 200 people who were in and out every fourth day.

It seems to me that we have some kind of revolving door. We ought to be able to put up some signs for the good people of this town that murderers have been caught, arrested, they are in jail, they are going to be prosecuted, and they are going to prison. If it takes a big mug shot of them, so people begin to understand that this might happen in large numbers, and not just a few, we should do it.

I don't know that you ought to stop with murderers, but I concur you ought to start with them. I surmise that if you got about 100 of them off the streets such homicides would probably drop dramatically, at least for awhile. You should start with the big peddlers, and work right on down the line.

So I think—what I have not heard from the public end, and I am not critical, is an honest statement to us that this system is not working, and we want to make it work. I am not talking about the whole drug problem, just on arresting, prosecuting, and putting away major drug offenders.

It seems to me we need to know what you need to do that? Where are the shortcomings? Who is not doing their job?

Perhaps the judges need to be in on this, as well. Do we need more judges, or changes in law so those arrested are not back on the streets the next day?

I have been told that getting arrested in Washington, DC, for drugs, today, means nothing more than taking a few hours out of your life to go down to the District bonding and incarceration facilities for a few hours, and then you are back on the street. And everybody knows that.

Those are the kind of things we ought to find out about. Are those true? If they are true, why? What can you suggest we do about it?

Thank you, Mr. Chairman.

Senator ADAMS. Mr. Stephens, I know you did answer a number of these questions before some of the Senators arrived, in terms of the number of additional attorneys that you have just put on, the numbers that are doing homicide-one, and so on, but you might want to finish your statement by repeating that for those who were not here when you gave that statement.

Mr. STEPHENS. Let me summarize very briefly, I know you are pressed for time here.

FOCUSING ON FIRST-DEGREE MURDER CASES

We are focusing on first-degree murder cases. We have doubled the number of resources focusing on those cases. I have set up a drug homicide strike force to focus on the difficulty of investigating and prosecuting some of these cases that grow out of trafficking organizations, they grow out of drug executions.

I agree with you. We should focus on that, and arresting 250 homicide defendants is different from arresting 40,000 drug possession cases. It will have a different kind of effect on the streets of this city.

We have developed a program to try to target those kinds of serious offenders, repeat offenders, and violent offenders, that are committing the homicides, and will prosecute those.

It may be that we need some additional resources, also, while I have indicated the caseload has doubled, we are convicting a substantial number. I am not sure of the exact figures, but somewhere probably in the neighborhood of at least 100 people or more were convicted of homicide last year, and a large number of those go away for substantial periods of time.

It is difficult, and I think you may want to address this same question to the chief of police. It is difficult for the police to close some of these cases. It may be that more resources there, assisting in the ballistics area, to help close some of these cases, will help.

The closure rate is not substantial, and that is not a criticism, it is a fact, and it is a problem. So they need to work more in terms of closing more cases.

Prosecution of these cases is difficult, because, as I indicated, the reliability and unavailability of witnesses, when a murder goes down in a crack house, it is different from an armed robbery of a liquor store that someone gets killed in.

But we, perhaps, could use some additional resources to focus on that. We are trying to move experienced people into that area, and we may also use some additional penalty structures from the D.C. government, to ensure that people who are convicted are gone for life, so we can send that signal out.

So, I am in concurrence with your comments. We need to start at the front end to deal with the homicides, and we need to prosecute those homicides. It may mean additional judges.

As far as prison space on homicides, I think, given the Federal initiative, if necessary we have made available 250 spaces. That will take care of a substantial number of those who are committing the homicides.

But one other point. I think it is fair to say that while some of these defendants are repeat offenders; in the sense of committing more than one homicide, it is also a fact that as we have taken people off the street, and have convicted them, other people have moved in behind.

I mean, with the number of homicides in this city, you could almost surmise that sooner or later those involved would have executed each other for being involved in the narcotics trafficking trade.

But we are seeing, because of the valuelessness of the society that they are growing from, that they just move in behind and are willing to pay the price and take it on the chin.

That does not mean, as both you and Senator Gramm and Senator Adams and Senator Fowler have indicated, that we shouldn't get those people off the streets forever. They should be gone, and not out there, either through a death penalty or through life imprisonment without parole.

The message has to be out strong and clear that they are going to be off the streets, and we are taking them off—as the Metropolitan Police Department makes those arrests, we are putting resources on to prosecute, but there need to be additional resources focused there, as well as in the courts.

So focusing on the arrests and investigations of those kinds of cases, I think, would also provide some assistance.

Senator **Adams**. Thank you very much, Mr. Stephens, for excellent testimony, and we will now call on the Mayor.

Thank you, Mr. Stephens, very much, for your helpful testimony.

We appreciate very much the cooperation that you have given us this morning.

Mr. **Stephens**. Thank you very much, Mr. Chairman.

STATEMENT OF HON. MARION S. BARRY JR., MAYOR, DISTRICT OF COLUMBIA

ACCOMPANIED BY:

MAURICE TURNER, POLICE CHIEF OF THE DISTRICT OF COLUMBIA

HALLEM H. WILLIAMS, DIRECTOR, D.C. DEPARTMENT OF CORRECTIONS

WELCOMING MAYOR BARRY

Senator **Adams**. Mr. Mayor, welcome, and please bring with you whomever you wish, and I will take a minute here while you are gathering.

Mr. Mayor, it is a pleasure to welcome you and the chief of police and director of corrections before the committee again.

After the last hearing that we had, we did receive the proposed plan that you had prepared. We have also received the supplemental plan, which came in the next day with additional comments.

We have tried, though you are certainly free to comment on it, to simply summarize the proposal which you had made, the proposal we had received from Mr. Bennett, so that we can keep track of these things, and know if money is available or if it is not available.

I think it might be helpful, because I know you have other meetings to go to this morning, if you want to summarize your statement, because we do have copies of it, in any fashion that you want, and then we will go to questioning so that you can comment to us on the specifics.

I think every member of the committee has spent quite a lot of time now on both the proposals, reading numerous background materials, and we certainly have seen a number of press comments.

So I know that you want to proceed with summarizing and so on, we will move along as rapidly as possible, so that you can go to your other meetings.

Mr. Mayor.

OPENING STATEMENT OF MAYOR MARION BARRY

Mayor **Barry**. Thank you, Mr. Chairman and members of the committee.

Secretary Bennett is having a briefing at 11 o'clock, but obviously something is wrong with this system, when he knew that you all were having a hearing, and called a briefing at the same time, Senator Fowler. That just doesn't make sense to me.

This hearing was scheduled long before his meeting, so I am going to stay right here, and probably miss that meeting, because our staff has been meeting with Mr. Bennett on his proposal.

Let me just say, I hope that his proposal is the first step. I would hope that today at 11 o'clock he will give us a second, third, and fourth step, because the first step doesn't really begin to get at the immediate problem.

Let me say, Mr. Chairman and members of the committee, I agree with all the members of the committee—our first goal ought to be to secure the streets. We ought to be able to close down a significant number of these open-air drug markets. We have some ideas about how we can do it.

We just did it in Potomac Gardens, only 13 blocks from this Capitol area. We did it because I authorized the expenditure of $2.6 million of overtime money for the Metropolitan Police Department out of a budget that I am not sure where it is going to come from in the final analysis, but the emergency is there.

MAYOR BARRY'S REQUEST FOR ASSISTANCE FROM THE COMMITTEE

I think, in terms of solving the immediate problem, in my subsequent letter to the committee, on April 7, 1989, we asked for the immediate transfer of 500 Federal law enforcement agents, people already sworn and trained, including the Capitol Police, with 1,300 police officers. We could take 300 or 400 of those. There is also the uniformed branch of the Secret Service and the National Park Service.

So, if we can get 500 Federal police officers tomorrow morning, Chief Turner is prepared to give them some initial, on-the-street training, and have them patrolling these 50 or 60 areas where there are open-air drug markets. We are prepared for that immediately.

We also request five helicopters, immediately, so we can light up areas with these bright intensive lights. In my view, if you have some of my emergency response team people who are especially trained in hostage situations, Senator Fowler, to drop out of the air one night, right in the middle of one of these places, with M-16's, and get tough.

We also ask for some radio equipment. I have just summarized the letter. It's very detailed, but it comes to about $30 million of emergency help we need right now. If this committee could vote today, and authorize $14 million overtime for the next 6 months for our Metropolitan Police Department, I am convinced it would have a significant impact on these murders.

Each member of the committee is right. Congressman Fauntroy has done an outstanding job of getting 700 police officers authorized, but we know it is going to take time to get the appropriations, and then do the training. That is too late.

We commend him for that for the future; we want that. But we need some help right now.

Since we have had the recommendation from Secretary Bennett, as far as I can see, we have not received any help at this point. We have had discussions, about how to help, but no help.

It seems to me, that those 10 lawyers ought to have been on board; we ought to have had the other initiatives on the board also. So, in summary, the April 7 letter is a document that we request that the committee act upon immediately to provide the help we need right now.

There isn't anything you have to debate about it. It just takes the votes of the five members of this committee. Then it can go to the full Senate, and on to the House for a vote.

I say that in the context that the District of Columbia's budget—the fiscal year 1989 revised budget and fiscal year 1990 budget—which we will get to later, was a very difficult budget for me. I had to propose to furlough some workers because of the tightness of the budget.

We had a council committee looking at additional revenue. We finally got that worked out. So if you look at the District's budget you will find that we don't have any room for these immediate 500 police officers, or if we did have the room it would not be forthcoming until they get trained.

DISTRICT'S COMMITMENT TO BUILD PRISON SPACE

Also, Mr. Chairman, let me just try and correct a misimpression here about the District's commitment to build prison space.

Since 1980—I would like to submit this for the record—at a cost of an average of between $25,000 and $30,000 per space, we have added 3,116 prison spaces. This administration has done something. This is a 73-percent increase. So let the record be clear, we are not reluctant to do that.

In the fiscal year 1988 supplemental, we asked the Congress for authority to build 800 beds at Lorton to be financed with $45 million of our own capital money. The Congress turned us down.

In 1986, when I was running for Mayor with all of you other elected officials—I went out on the point and selected a prison site in the heat of the election, in Southeast Washington for 800 beds. That was in July 1986.

We signed a contract on October 15, 1986, and in February or March 1987, Senator Harkin, for whatever reason, held this process up for over 1 year. Now we are in court.

So we have tried to put prison spaces at Lorton and in the District of Columbia. We are prepared today to sign a contract to look at a downtown prison facility.

If the committee were to authorize us to take a portion of the $50 million we had for the correction treatment facility and allow us to do some architectural drawings on the site off of South Capitol Street—that is a 5-acre site right at the bottom of the Frederick Douglas Bridge—we could try and find an architect to start working on that immediately.

So prison space is something we have been pushing hard. We have added over 3,000 beds—a 73-percent increase since fiscal year 1980. I don't think any other State has done that.

BIFURCATED JUDICIAL SYSTEM IN THE DISTRICT

I think the big problem we have, Mr. Chairman and members of the committee, is the bifurcated judicial system. No offense to anybody. I think the U.S. attorney, Mr. Stephens, is an excellent U.S. attorney, but we have no control of the hiring for that office.

My view is that we need to have some jurisdiction over these judges that let people out on bond. We don't appoint them, the President does. I have seen murderers, and Chief Turner has seen people charged with murder let out on bond at the present time. That is wrong.

We have seen people arrested with 2 or 3 pounds of cocaine in their possession, when the question is not if they are guilty but how much time they ought to get, let out on bond. Not because of a lack of space.

Mr. Williams here has found space. We have contracted over 900 prison spaces in such places as Tennessee, Texas, and Nevada. We will go anywhere to find space. So I don't think that prison space ought to be the deterrent here. It is a judicial system that takes between 6 and 8 months for people to get to trial, which in most cases is the average time.

So I think we need a prioritization for those who are charged with a large volume of cocaine. We ought to establish what I call a gun and drug court, because this situation requires urgency right now.

CONCLUSION OF MAYOR BARRY'S STATEMENT

So I will summarize by saying, if you all will respond to my April 7 letter, or most of it, I think we could see some differences in the open-air drug markets. We have already closed down a significant number since the last hearing, Mr. Chairman, with our police officers working overtime.

I was out in Potomac Gardens on Sunday, and I saw kids for the first time out playing basketball, and people walking around in the area. So it can be done with those resources.

Mr. Chairman, I will just stop at this point, and urge the committee to push Mr. Bennett a little bit harder to give us the second, third, fourth, and fifth steps of his plan.

I would also urge the committee to grant the emergency appropriation that would allow us to pay the overtime to the police officers to keep them on the streets for the next 6 months. It is no guarantee, Senator Fowler, but I suspect that will pull the rate down.

Since the last hearing, the rate has begun to slow down. At one point we were getting one murder every 16 hours; it is now one every 48 hours. With a lot more help we think we can move it to every 60 hours, and keep going and going. Because every life is precious. Every life is precious.

This Mayor, this administration, stands committed to act, and I think it is time to stop a lot of talking, quite frankly, and get down to giving us some resources so we can get to work.

Since this committee hearing, Mr. Chairman, the D.C. government has not gotten any additional resources at all.

Senator **ADAMS**. What was that last comment, Mr. Mayor?

PREPARED STATEMENT

Mayor **BARRY**. Since the last committee hearing, the D.C. government has not gotten any additional resources from the Federal Government.

[The statement follows:]

STATEMENT OF MAYOR MARION BARRY, JR.

Good morning, Mr. Chairman and members of the committee. I appreciate the invitation extended to me on April 4 to submit a special request for assistance to address the new level of drugs and associated violence that has developed over the past 2 years. In response, on April 7 I sent you a request totalling $130 million, $102 million in an increased Federal payment to augment the criminal justice capacity of the district and $36 million in immediate emergency aid to launch a far-reaching law enforcement initiative. This request will help us fulfill our immediate goals of containing and eradicating the current wave of drug-related violence. This morning, I would like to explain the major components of the request.

The problem of drugs and violence, as you, Mr. Chairman and other members of the committee, so well expressed on April 4, is complex and the solution will require considerable effort by a great many people and organizations. Because the District of Columbia is the Nation's Capital and because the Federal Government occupies such a large place in it, you have a major role to play in solving this problem. We appreciate the committee's acknowledgement of that responsibility and your offer of immediate and longer-range assistance.

The request submitted to you and the committee on April 7 consisted of two documents. One was a comprehensive request for assistance, totaling $102 million that had been developed and submitted to Dr. William Bennett, Director of the Office of National Drug Control Policy. The other was assistance for a series of immediate emergency measures that were outlined in an attachment submitted on April 7, totaling $36 million. The latter would enable us to immediately launch a far-reaching law enforcement initiative while the longer-term increases to the capacity of our criminal justice system are being put into place.

Public safety, enforced through the criminal justice system, is uniquely the responsibility of government. While the private sector must play major roles in undertaking new prevention, and in some cases, treatment initiatives, only the government can exercise the force required to insure public order and safety. Therefore, this initial request for additional Federal assistance places emphasis on increasing the public sector's capacity to meet this most basic responsibility of Federal, State and local government. This request is heavily weighed, though not exclusively, on the criminal justice side as opposed to prevention and treatment. It will be evident from reviewing this request for additional Federal assistance that we quite agree with you that the most immediate priority is public safety on our streets and we have proposed those resources needed to address that priority.

At the outset, I would like to acknowledge that the Federal executive, through the Office of the Director of the Office of National Drug Control Policy, has recently announced several items of assistance that relate to the request that I forwarded to the committee on April 7. I shall reference those items in my description of our request. Also, I am submitting to the committee a chart that will outline the items in our request, their anticipated impact, and, where applicable, comparable items included in the Federal executive's plan of assistance.

For clarification purposes, I wish to state for the record that despite media references to a rift between Dr. Bennett's office and the city, we have a good, sound working relationship. Our respective staffs have held lengthy discussions and have begun to define action strategies and timetables for implementation of additional services being made available to the city. Also, it is our understanding that the District is being considered for additional Federal grant money by the Department of Housing and Urban Development and the Department of Justice, facilitated by the intervention of the Director of National Drug Control Policy. All of these actions are sorely needed and we will work diligently on all fronts to make optimal use of all resources that can be garnered to help us fight this war on drugs and violence.

The request that we made of the committee is in two parts. The first part is a request for immediate, emergency assistance through short-term funding and detailing of personnel to assist us in reducing drug-related violence. The second part is an increase in the capacity of our criminal justice system to sustain efforts to reduce violence and decrease overall crime and drug use.

EMERGENCY ASSISTANCE

In the area of emergency assistance, there are several critical items. First, we urgently need help in placing 2,000 prisoners. Because of community opposition, congressional and court ordered delays in our prison construction efforts, and court ordered capacity limitations on our current facilities, both in the District of Columbia and at Lorton, we have an overcrowding problem of 1,950 prisoners. New programs to close down street markets and arrest drug violators and other criminals, as well as, efforts to strengthen supervision of probation and parole populations, are being affected by the severe limitations on jail and prison space. Therefore, we are asking for immediate assistance in placing 2,000 prisoners.

We readily acknowledge that the Federal Bureau of Prisons' facilities are overcrowded. It is, however, an indisputible fact that the Federal Government can more readily access space, such as what might exist on military facilities, than the District. The Federal executive's plan to place 250 prisoners and to provide some longer-term assistance is greatly appreciated and is a step in the right direction. However, the immediate need is much greater if we are to undertake the actions that we and members of the committee have stated must take place. The annual cost for the additional prison capacity for 2,000 prisoners is $36,525,000. It includes placement of 1,500 inmates in Federal prisons and 500 in various State systems through the interstate compact agreement.

Second, we are proposing a law enforcement program that we have developed and successfully tested on a pilot basis that will close down the street markets where drugs are sold. These open air markets have spawned the current high level of homicide and street violence. They must be closed and those areas returned to law abiding citizens. This program, entitled street narcotics intervention project, or SNIP, targets and puts under surveillance drug-impacted areas. Then, when the undercover work has been completed, a large contingent of law enforcement personnel converge and eradicate the area of illegal activity, arresting offenders and restoring public order. This will be a labor intensive program, and when implemented district-wide, it will operate on a large number of fronts simultaneously.

To implement this program citywide, we are requesting the detail of 500 Federal law enforcement personnel to the Metropolitan Police Department for 6 months. We need emergency funds to pay overtime for these detailed officials and for current MPD officers to operate on a 6-day work week. To support these personnel, we are requesting several critical items of support equipment and services, including vehicles, radios, stenographic services, office space to house new investigators, and funds to establish a forensic laboratory for evidence analysis.

The Federal executive plan included the assignment of 41 additional Federal officers to the current Metropolitan narcotics task force and expansion of the services of the FBI forensic lab to include analysis of firearms. While we certainly appreciate this action, the number of additional officers does not approach the number needed to support the SNIP program. Overtime cost for SNIP amount to $16,019,200 and an additional $19,416,725 will be needed for supporting equipment and services, for a total cost of $36,235,925.

Finally, in the area of emergency assistance we request the help of the committee to lead an expedited effort to clearly (perhaps legislatively) state the sense of the Congress that the long delayed 800 bed prison construction project in southeast Washington is a local initiative being undertaken with a special Federal appropriation. Currently, construction is delayed because of a court interpretation that the project is a Federal initiative and, therefore, subject to review under Federal historical preservation laws. Clarification by the Congress should be helpful to the court in deciding that the project is local and need not be delayed further.

LONGER-TERM ASSISTANCE/INCREASED FEDERAL PAYMENT

Beyond these needs for immediate, emergency assistance, we are making the bulk of our request for longer-term assistance. The problem of drugs and the propensity for violence that they generate will be with us for a number of years. Therefore, an increased public safety capacity must be maintained during this long term effort. To achieve that, we have requested an increase in the Federal payment to finance augmented capacities in law enforcement, prosecution, judicial, correctional and parole services, as well as, more immediate attention to prevention and treatment programs.

These additional initiatives are needed to maintain control of our city streets; to ensure that adequate resources are available to handle the increased number of persons processed though the criminal justice system that will result from implementation of stepped-up law enforcement efforts; and to enhance ongoing prevention and treatment efforts that, in the long term, will greatly reduce the demand for illicit drugs.

In the area of law enforcement, Dr. Bennett and Attorney General Thornburgh announced that additional Federal personnel will be assigned to the existing Metropolitan area task force. Specifically, 11 additional agents from the Drug Enforcement Administration, 5 intelligence analysts from the Department of Defense, and 25 additional FBI agents would be added to those already assigned to the District. These agents would concentrate on major drug distribution networks, particularly distributors of crack cocaine, and the problem of drug-related violence. There would be established, also, a unified intelligence division, presumably within the Drug Enforcement Administration, to support the activities of expanded task force and other area anti-drug police activities. Finally, the FBI will continue to accept and analyze evidence from the Metropolitan Police Department at its forensic laboratory. While this support is certainly welcomed, it is not sufficient to address problems of our magnitude.

We are requesting authorization to hire 800 police officers of which 100 will be specifically assigned to help secure public housing sites. These additional police officers will provide the needed manpower to close down open air drug markets, to reduce drug-related crimes, and to help alleviate citizens' fears. The increased police presence should also have a strong deterrent effect and consequently prevent many crimes from occurring. The cost of these additional police officers, on an annualized basis, is $31,158,600.

In support of law enforcement efforts, other measures must be undertaken. Upgrading MPD's electronic surveillance unit will help in the gathering of evidence for cases involving top level drugs and weapons dealers (included is supporting equipment for SNIP). Implementation of an electronic filing system will facilitate the processing of arrests and eliminate delays in forwarding arrest reports to prosecutors. Establishment of a confidential account and reward program will provide the necessary incentives for persons to turn in high level drug dealers. A waterway interdiction program is needed to guard against use of waterways as points of entry for illegal drugs. It is anticipated that as current interdiction efforts prove to be more successful at rail stations, bus depots, and airports, waterways will be substituted as points of entry. These programs will need $4,800,000 (excluding the surveillance equipment which is requested in the SNIP program) in funding on an annualized basis.

In the area of pretrial, prosecution, and defense services for indigents, the Federal executive plan provides for 10 military lawyers to be detailed from the Department of Defense to the U.S. Attorney's Office to augment that staff. Specific assistance for pretrial and public defender services were not offered. It is anticipated that a rise in arrests generated by stepped up law enforcement activity will create a greater demand for both pretrial and defense services. We are requesting $994,769, on an annualized basis, to cover the costs for these additional services.

The District of Columbia court system will be adversely impacted by an increased caseload resulting from a rise in arrests. Already overburdened, the court system must have additional resources to effectively fulfill its mission. Dr. Bennett's program for the District does not adequately address this critical component of the District's justice system.

The Superior Court will require 11 additional judges, as well as a collateral court support complement. In addition, the courts will need to hire 70 probation officers, and provide more funds to furnish legal counsel to indigents in anticipation of a 16 percent increase in requests for legal services. Also, a small allocation of funds is needed to cover overtime costs for the timely processing of critical drug cases. A total of $8,500,000 will be needed in fiscal year 1990 to cover costs for the additional required resources.

The D.C. Court of Appeals has recommended the establishment of an intermediate court to screen and dispose of many of the cases now coming before the court of appeals. With the anticipated increase in the number of cases, trial judges, and calendars and changes in the laws and conditions surrounding preventive detention hearings and mandatory sentences, the need for this new court is urgent. Interim funding for this court will be $1,200,000 in fiscal year 1990 while funding for the first 5 years will total $10 million.

In the area of corrections, Dr. Bennett announced that he will work with the Federal General Services Administration to find Federal land for a private contractor to build and operate a 500 bed detention facility. Finally, it was announced that the Federal Bureau of Prisons will build a new 700 bed Federal facility in the Washington-Baltimore area. As such, it will operate like other Federal prisons and will not increase the District's prison capacity.

The District is encouraged by these Federal initiatives. However, to address our immediate needs, funds are required to place 2,000 inmates immediately in Federal and other State facilities, as described earlier. It will cost $27,400,000 to place 1,500 inmates in Federal facilities and $9,125,000 to place 500 inmates in other States. We currently have successfully placed over 800 prisoners in other State or county systems.

Also, the District in the past has proposed locally funded expansion of prison beds, only to have Congress stop the initiative through exercise of its oversight authority. We are asking that Congress approve prison expansion proposals contained in the District's fiscal year 1989 supplemental budget request and the fiscal year 1990 appropriations request.

For parole operations, there are no additional resources or initiatives offered by the Federal executive plan. The influx of additional prisoners could potentially clog up the parole process and create serious backlogs which exacerbate prison crowding problems. We, therefore, recommend the creation of a special parole enforcement program to enhance supervision of parolees, more resources for parole determinations, and funding for additional board responsibilities. The cost of these initiatives amounts to $2,344,944.

We certainly recognize that the law enforcement and justice initiatives I have outlined will not in isolation alleviate our problems with drugs and violence. An investment in prevention and treatment programs is required to drive down the demand for drugs.

To that end, D.C. Public Schools and the Alcohol and Drug Abuse Services Administration have proposed additional prevention programs. Programs will include a transitional program for court-involved youth who are re-entering the school system and various drug prevention programs in our public housing projects. These programs are designed to hit the most at-risk portions of our population, youth already involved in the criminal justice system, and public housing residents who are frequently exposed to the drug and crime problem. For these prevention programs, annualized costs are $2,273,632.

In the area of treatment, the Federal executive plan calls for the Department of Health and Human Services to authorize the National Institute of Drug Abuse to establish three model outpatient clinics in the District. It is anticipated that this will result in the addition of 300 new treatment slots by 1990.

The District is requesting funds to expand our clinic operating hours to accommodate the excess demand for drug treatment we are experiencing. In addition, the recent explosion of crack cocaine activity has created a need for immediate training of drug counselors in the latest techniques for treating crack addiction. This training is critical for achieving successful and lasting rehabilitation. The annualized cost of these treatment initiatives is $1,425,000.

Additional prosecutorial and treatment resources are needed to handle the increasing number of youth with drug problems who are coming into the District's juvenile justice system. The District's corporation counsel, which is responsible for local youth prosecutions, needs additional manpower to manage its growing caseload. The District's Youth Services Administration, which provides custodial care for delinquent youth, will need expanded treatment services, including an in-patient treatment capability, and an increase in its number of group homes. The cost for these additional facilities and services amounts to $7,374,030.

Because public housing sites have so often become havens for drug users and traffickers, much attention has been focused on initiatives to reduce drug use in these areas. Secretary Kemp announced that he will ease regulations covering the eviction of drug offenders from federally funded housing sites. In addition, he indicated that security fences may be erected around sites and identification cards may be issued to residents.

The District has requested funds to deploy 100 MPD officers on public housing properties and funds for the construction of barriers and other physical alternatives, including the installation of high intensity lights to aid law enforcement efforts. Funds are also requested to develop enhanced support services for youth in public housing properties. Funds required, excluding those for MPD officers previously identified, for these initiatives amount to $5 million.

These initiatives that I have outlined represent a comprehensive and balanced approach that will address both the supply and demand side of the District's drug problem. Federal support in the form of an increased Federal payment to the District is crucial to our efforts to maintain control of our streets and to greatly reduce levels of drug use and the violence associated with it. The drug epidemic that has engulfed our city requires both an emergency response and long-term commitments to programs designed to attack this problem. With your assistance, we can meet this challenge.

In closing, thank you for the opportunity to testify on this request for Federal assistance. We are now available to respond to questions.

SUMMARY OF REQUEST FOR FEDERAL ASSISTANCE

Requested assistance	Projected impact	Bennett plan
Metropolitan Police Department:		
Street narcotics intervention project (SNIP)	Closure of open-air drug markets	Detail of 41 agents from DEA, FBI, and DOD.
500 Detailed Federal Law Enforcement Officers	Manpower for SNIP	Establishment of regional database for homicides. Creation of four regional enforcement groupings.
Overtime for MPD officers and Federal officers for six months ($16,819,200).	Manpower for SNIP.	
Electronic Surveillance Equipment ($422,250)	Support for SNIP and to penetrate top-level drug organizations.	
Radio Equipment (250 radios) ($342,000)	Support for SNIP operations.	
Undercover vehicles (50) ($850,000)	Support for SNIP and to eliminate currently leased vehicles.	
Stenographic Services ($223,475)	Reduction by 50 percent of off-street time by ($223,475) investigative personnel involved in typing witness statements and testifying in court.	
Helicopter Equipment ($12,350,000)	Support for SNIP operations.	
Forensic laboratory ($5,000,000)	Reduction in waiting time for results from FBI lab	Continued availability of FBI laboratory for evidence analysis.
New facility for homicide branch ($229,000)	Accommodation for increased manpower in homicide branch.	
Increased manpower by 700 officers ($28,053,000)	Increased manpower at each police district by 100 to continue SNIP and to investigate and close homicide and violent crime cases.	
New confidential/reward fund ($3,000,000)	Sufficient reward to generate intelligence on large drug organizations.	
Electronic filing/tracking system ($1,700,000)	Computerization of 500,000 offense and arrest reports to expedite management and prosecutorial information.	
Waterway interdiction program ($100,000)	Elimination of river as drug route in response to currently effective interdiction at bus and rail terminals.	
U.S. Attorney		Detail of 10 lawyers from DOD; new narcotic trial unit; and transfer of some cases to District Court for sentence enhancement.
Pretrial Services Agency:		
Expansion of testing program ($450,000)	Expansion to meet the needs of projected 15 percent increase in testing generated by the additional 700 police officers and SNIP.	
Improvements to testing program ($125,000)	Increased speed of testing process.	
Public Defender Service:		
Expansion of investigative support ($238,020)	Expansion to meet impact of 700 additional police officers and SNIP.	
Expansion of legal support services ($181,749)	Expansion to meet impact of 700 additional police officers and SNIP.	
Court System:		
Eleven additional judges and 79 court employees ($3,300,000)	Expansion of judicial and probation services to meet impact of 700 additional police and SNIP.	
Overtime funding for judges ($100,000)	Expeditious processing of most critical cases.	

SUMMARY OF REQUEST FOR FEDERAL ASSISTANCE—Continued

Requested assistance	Projected impact	Bennett plan
Increased probation staff ($1,600,000)	Reduction of caseloads to 100 percent of maximum capacity to strengthen level of supervision.	
Representation of indigent clients ($3,500,000)	Expansion of mandated services to meet impact of 700 additional police officers and SNIP.	
Intermediate Court ($1,200,000)	Disposal of more cases on appeal in a shorter period of time to assure swifter punishment.	
Department of Corrections		Acceptance by Federal Bureau of Prisons of 250 inmates from DC Jail.
Emergency support (1,500 Beds) ($27,400,000)	Elimination of current overcrowding and provision of space for new law enforcement initiatives.	Construction of 500-bed jail by private contract.
Expansion of interstate compact ($9,125,000)	Elimination of current overcrowding and provision of space for new law enforcement initiatives.	Construction of 700-bed federal Baltimore/Washington prison.
Board of Parole:		
Special surveillance/enforcement team ($508,828)	Reduction and elimination of the growing number of outstanding parole warrants for violators.	
Staff for additional hearings ($348,322)	Expedition of current parole hearings and capacity for future impact of 700 additional police officers.	
Additional parole supervision staff ($1,399,206)	Reduction in caseload size for parole officers to strengthen supervision and reduce recidivism.	
Additional staff ($88,588)	Increase in administrative efficiency.	
Youth Services Administration:		
Expansion of drug prevention/counseling ($300,000)	Expansion and intensification of preventive drug counseling for youth under custodial care of the District.	
Expansion of treatment services ($1,754,063)	Expansion and intensification of drug treatment for youth under custodial care of the District who have substantial drug abuse problems.	
Expansion of group home facilities ($5,016,570)	Improvement in quality of life for youth under custodial care of the District to prevent them from continuing a lifestyle of criminal activity.	
Public and Assisted Housing		HUD easement of regulations for eviction.
Enhancement of support services for tenants ($3,000,000)	Improvement of quality of life for tenants to reduce incentives for entering the drug trade.	HUD and MPD revitalization of sites and enhancement of security.
Intensification of security at public housing sites ($5,105,600)	Major reduction in drug trade and violence at public housing sites	Community based anti-drug hotline.
100 police officers ($3,105,600)		Regular inspections and upgrade of substandard units.
Installation of crime prevention devices and alterations ($2,000,000).		

Alcohol and Drug Abuse Services Administration:		
Expansion of prevention and treatment at public housing sites ($750,000).	Reduction of drug abuse among public housing residents	Establishment of 3 outpatient clinics in DC (300 slots) by 1990.
Role models for black youth ($300,000)	Provision of desirable alternative lifestyle for at-risk youth	Technical assistance in DC treatment programs.
Expansion of clinic operating hours ($1,275,000)	Expansion of treated population	$100,000 grant presumably to a private group for employee assistance for drug abuse in a small medium-sized business.
Crack cocaine addiction treatment training ($150,000)	Development and implementation of effective treatment for crack cocaine addiction.	
Office of the Corporation Counsel—Juvenile Section: Addition of attorneys and staff ($303,397).	Expansion to accommodate impact of 700 additional police officers and SNIP on Juvenile prosecutions.	
D.C. Public Schools		$1.4 million already available under the Drug Free Schools Block Grant.
Transitional support services for court-involved youth ($1,223,632).	Reduction of recidivism among court-involved youth returning to public school environment from incarcerated setting.	Promise to expedite additional applications for drug education programs. Technical assistance in implementing prevention programs.
Administrative Assistance:		
Passage by the Congress of a resolution confirming that the planned correctional treatment facility is a local initiative.	Provision of an argument to the Court of Appeals that the proposed site is not eligible for protection under Federal historic preservation laws to eliminate current reason for delay in construction of the facility.	
Facilitation of signing of memorandum of understanding between the Federal and local governments to authorize deputations of local police and corrections officers.	Facilitation of implementation of project to interdict drugs at Lorton correctional facility.	

PROVIDING ASSISTANCE NEEDED BY DISTRICT TO FIGHT CRIME WAR

Senator **Adams**. All right, now, I assume you have finished your statement, and I want to get in direct line here what the potential responsibilities are.

Now, one of the questions that has been raised in the committee, and I want you to understand it, and the chief of police, and Mr. Williams of the corrections, is, this chairman is prepared to do whatever is necessary, and I need a letter from you to undo whatever was done by the prior chairman to prevent the construction of the prison facility.

So that step will be done—that first step.

The second step, as I understand it, is that you need a proposal for overtime, and other members are going to have different views on this in the committee, because they want to know what the District is doing in terms of its resources, but you need, I believe you said, $14 million for overtime for police on the streets——

Mayor **Barry**. For a 6-month period.

Senator **Adams**. For a 6-month period.

Mayor **Barry**. I say that, Mr. Chairman, in the context that we are in the process of hiring police officers almost weekly, and it takes 22 weeks to train them. So that will give us a chance to keep hiring police officers.

Senator **Adams**. Well, I understand, and I have indicated before that I support an additional number of police officers, as has Representative Fauntroy and some of the others, but we understand the training process, and attrition process.

I want to be certain that the committee hears from you, because I am prepared to present it to the committee, what officers you would be requesting, so that if the committee is in agreement, and I don't know if they are or not, because we have to meet on that, from other police forces here which Chief Turner would be training to place on the streets in an immediate fashion, for holding the streets and holding some of these——

Mayor **Barry**. We need 500 of other police forces, Mr. Chairman. Additionally, Mr. Chairman, every time the President and Vice President move from the city that takes metropolitan police officers from the Special Operations Division out of service.

In my view, it seems to me, the Secret Service ought to take up this responsibility so that we can keep these officers working fighting crime. The Park Police or the Capitol Police could also assist with the movement of the President.

But we could use 500 Federal officers.

LETTER FROM MAYOR REQUESTING USE OF FEDERAL POLICE FORCES

Senator **Adams**. Well, now, that is a request that needs to be made by the operational unit, which is yourself and the chief of police, to the individual units that you are requesting it from, and at least as chairman I will indicate that we are in support of that.

I will have to talk with other members of the committee as to whether or not they support that, too, because, you see, we are faced with this situation. The appropriation bill for next year—and that is why Senator Gramm has raised the point about the resources that are available—and it is why I brought with me this morning, I have here your fiscal year 1989 operating budget, and I have here also your request for the fiscal year 1990 operating budget.

Now, these things take time in going through. The House has to operate on these, but out of this one, which is already in existence, we need to know whether or not you can produce resources that we can perhaps replace with this one.

I will discuss with the committee members the potential of an emergency, but I need a letter from you that repeats just what you indicated of the amount for overtime, and copies of the letters where you have requested from these other units that they be dispatched, then we will join in supporting that—or at least I will—and at that point we will need to know what response we are getting from these operating units, because you are focused now on the particular thing that is on that map of how many officers you can place on the street, and how soon you can do it.

We have your letter of April 7, and I have that before me. What I am concerned about is, I don't want to go through the entire appropriations process before the District is utilizing the resources it already has to put people on the street, and to be making direct requests for these additional amounts.

Yes; Senator Domenici, you had a question?

DISPOSITION OF ARREST CASES

Senator **Domenici**. Mr. Chairman, I have to leave, and I want to apologize in advance. I had a chance to talk briefly with the Mayor before this session, and we focused our conversation almost exclusively on what is happening when people are arrested. I wonder if this is the right group to ask the following question for the record, to see if they would submit an answer to us.

I think we ought to know, Mr. Mayor and chief, the disposition of a broad cross section of arrests. We ought to have that information.

You ought to give us a sample of the names of people arrested, what they were charged with, what their record is, and what was the disposition of the case of that arrested person.

I think we have a revolving door of tremendous magnitude that ought to be less than heartening to the police, and clearly has got to be less than heartening to the neighborhoods of this city.

In some way we ought to know what happens to a typical 1,000 people arrested, charged with A, B, C, or D, records of first, second, or third offenses. If they got arrested, the same night they were put under $500 bond, and were out the next morning, we ought to know about it.

I am not asking that you testify to that, Mr. Mayor, but I think we need something like that. Chief, I think it would be helpful if we could look at something that would help us push for the additional assets and resources you need.

Thank you.

Senator **Adams**. Mr. Mayor and Chief Turner, can you supply that?

Mayor **Barry**. Senator, let me just say that, as I indicated earlier, we do have a sort of bifurcated system where the police arrests and the Federal Government takes over. We are developing information on the system of their final disposition.

But according to the information I have gotten from the chief of police, in terms of our Operation Clean Sweep, there are dispositions in about 15,000 cases. There are 22,000 cases pending, and in those cases that are pending there are a significant number of drug distribution and drug possession cases.

There are over 20-some thousand drug distribution and possession cases, and these are individual case arrest data. So there are 22,000 cases that have not come to trial yet. We think that is not a good deterrent to those who are arrested.

We had a case of a guy named Craig Williams, who the Metropolitan Police Department had initially worked on and charged him with first-degree murder. He was supposed to have come to trial under the Speedy Trial Act, but because he was held 9 months longer the judge had to let him out because of the Speedy Trial Act.

He subsequently went out and allegedly—I am saying allegedly because he is yet to come to trial—killed somebody else while on the street. A tremendous amount of resources of the Metropolitan Police Department tried to find him, and we found him and captured him.

So Senator, there are people out there in the streets, in my view, who shouldn't be out there.

Senator DOMENICI. Thank you, Mr. Chairman.

MAKING SPECIFIC REQUESTS FOR FEDERAL POLICE FORCES

Mayor BARRY. Senator Adams, in terms of the specific request, the Capitol Police come under the direct control of the U.S. Congress, or the House of Representatives, and the Senate. It seems to me that is an area you ought to get right into and see how many Capitol Police you can free up tomorrow morning. There are 1,300 or so of them, I think.

Obviously, the Park Service comes under the Interior Department, and the U.S. marshal and MPI come under the Justice Department. But I think this committee can certainly try to influence your colleagues to free up——

Senator ADAMS. The list of police officers below the rank of sergeant for U.S. Capitol Police is 1,257, for U.S. Park Police it is 495, and for the U.S. Secret Service Uniformed Division it is 840, and totals 2,592.

We need specific requests so that then this committee can make our requests known also. I am not saying that this committee jurisdiction——

Mayor BARRY. Should we ask the Park Police, the uniformed branch of the Secret Service——

Senator ADAMS. That should go directly to the majority leader of the Senate and the Speaker of the House, and under them is the appropriate jurisdictional group. That is for the Capitol Police.

For the Park Police, the request should go directly to the Secretary of the Interior—I would like copies of these so that we may follow through with them—and the U.S. Secret Service is under the Treasury Division.

FRUSTRATION OVER NONACTION BY FEDERAL GOVERNMENT

Mayor **Barry**. Mr. Chairman, let me also say that I guess we had a pretty heated debate the last time we had the committee hearing, and I think there was great frustration on the parts of you all—and rightly so—but I am on the other end and I am frustrated.

I put together a comprehensive plan, a specific plan aimed at closing down open-air drug markets, aimed at trying to reclaim the streets, and I am sitting here talking and asking, and I can't get much help right now. So I am frustrated, Senator Fowler, as you were when we were here before.

So I am going to scream and yell, too, and say, I want some help right now—since I have a plan, and I am not getting much help except for a lot of discussion.

Not from this committee, but I mean this—from the executive branch of the Federal Government—just discussions.

Senator **Adams**. Senator Fowler?

Senator **Fowler**. I yield to Senator Gramm, if he would like to go first.

NEED TO REALLOCATE DISTRICT RESOURCES

Senator **Gramm**. Well, I will try to be brief.

Mr. Mayor, let me first say that I intend to try, to the extent I can on this committee, to help. But one thing that frustrates me is that you are here asking us to provide Federal money to redetail Capitol Police, Park Police, and Secret Service, but I don't see any movement in these budgets for you to reorder your priorities in spending money.

As I mentioned the last time we got together, and I know it is easy to bash the District of Columbia——

Mayor **Barry**. Amen.

Senator **Gramm** [continuing]. And I am working hard not to do that, but basically, as I pointed out at our last hearing, if you take all the water areas out of the District, and you take the Federal park areas, you have got 1,000 employees per square mile working for the District of Columbia.

In fact, the Federal Government, long before I got on this committee, was so concerned about the number of people working for the District of Columbia that it placed a cap on the number of people that you can employ.

Now, what bothers me is, I have always taken what people say with their money more seriously than I take what they say with their words.

And as I look at your budget, and listen to your words, in your budget I don't see any dramatic reordering of priorities. You have got constant attrition occurring, as people retire or resign from various agencies in the District government.

Why don't I see, as part of this proposal, a reallocation of those employment slots toward hiring more police officers? All I hear is that you have a budget problem, and so you are coming to the Federal Government asking us to make a decision, and I think if there is any budget with a worse problem than the District of Columbia, it is the Federal Government.

So I want to give you a chance to respond, but let me say where I am coming from. I don't see any possibility, at least from my point of view, of simply coming in and having the Federal Government totally underwrite solutions to this problem.

We are at least going to have to have some kind of matching effort from the D.C. government, in terms of reordering priorities, and taking money away from something else. If you are truly alarmed then I want to see it reflected in your priorities in your budget, if I am going to support spending more of the taxpayers' money.

Finally, let me say that I would like to see from your proposals on how we are going to streamline the courts and get the prisons built.

I don't see any reason to believe that if you had additional police, based on what we are doing now, that there would be a dramatic change. Maybe there would, but I would like to get your response, and then I will stop and yield to Senator Fowler, to this whole question of why, if you view this as crisis, you are not reordering your own budget.

Why should we put up our money, so to speak, when you are not putting up your own?

And second, how can we have some assurance that we are actually going to get a substantial reduction in the number of murders, and the amount of drug crime, with the addition of 500 more police officers?

Mayor **Barry**. Senator Gramm, let me say that in the fiscal year 1989 supplemental budget which you have before you, I made some tough choices reprioritizing $123 million of our budget. I cut some agencies' budgets. Advocates picketed my office from time to time, this year, because we did reprioritize part of the D.C. government's budget.

For instance, the Department of Corrections' budget was $180 million, in the fiscal year 1990 proposal, it is $227 million. That money came out of some other agency's budget.

The council, with my support, added 300 new police officers in the 1990 budget. That came out of somebody else's budget. And what we did for 1989, we only had about $17 million of additional revenue to support the fiscal year 1989 supplemental budget. So $123 million was taken out of other agency's budgets and put in higher priority areas, including the Department of Corrections.

IMPACT OF POLICE OVERTIME AUTHORIZED BY THE MAYOR

The $2.6 million I authorized for overtime for the 5 weeks have given us tremendous results, Senator Gramm. We have seen a greater psychological feeling in the community to see police officers walking the streets. We have reclaimed a good dozen open-air drug markets—very easily a dozen—if you want to count them it is very easy to do. There is one right down the street here, at Potomac Gardens.

You can go down there today and talk with the residents, and you see that added police presence, in large numbers, with community support, does work in closing down open-air drug markets. There has not been but one homicide in Eastgate, to the best of my recollection now, in about 2 months, since we reclaimed that territory.

So it can be done. We have made, I think, our own sacrifices. I have made some very tough decisions that have caused me some political heat among supporters of mine, by taking money from this program and putting it over here.

I think we have done that. We have taken $123 million of our own funds and reprioritized them to higher priority areas and most of it has gone to public safety.

Senator **Gramm**. Well, if you would just give the committee—I would like the figures on how much your projected revenues grew, from fiscal year 1989 to fiscal year 1990, and then how much your expenditure on law enforcement grew. If you would give us that it would help me, and I appreciate those facts, Mr. Mayor.

Mayor **Barry**. Thank you.

[The information follows:]

GENERAL FUND REVENUE GROWTH AND PUBLIC SAFETY GROWTH FROM FISCAL YEAR 1989 REVISED BUDGET TO FISCAL YEAR 1990 BUDGET REQUEST

The growth in the public safety appropriation from the fiscal year 1989 revised budget to the fiscal year 1990 budget is 9.3 percent while the general fund revenue growth from the fiscal year 1989 revised budget to the fiscal year 1990 budget is 7.3 percent as follows:

	1989 revised budget	1990 budget request	Difference	
			Amount	Percent
Public safety	$762,357	$833,180	+$70,823	9.3
Total general fund	2,861,130	3,070,561	+209,431	7.3

USING EXISTING RESOURCES TO FIGHT WAR ON DRUGS

Senator **Adams**. Senator Fowler?

Senator **Fowler**. Mr. Mayor, let me say—I know Senator Gramm has to leave, but I want to say that philosophically I agree completely with what Senator Gramm just said.

Now, I commend you for the specificity of your plan, you know by my comments I am going to do everything I can to help with existing Federal resources, to transfer them to help you help us all, with the District of Columbia. But when we get down to the final votes, if we are to succeed, not only this committee, the whole committee, Congress, everything as you know we have got to go through, I guarantee you it will help tremendously if you can show that you have not only reallocated funds, but also seriously called upon the Water Department, the Zoning Department, and every department of city government, for a substantial reallocation of existing resources into this battle.

None of us have ever seen a government that couldn't cut 10 or 15 percent in an emergency. None of us have ever seen a local government department that couldn't cut 10 or 15 percent in an emergency.

Now that gets, I know, into a precious area of home rule and your decision, so I am going to leave it there. But I just want you to know, as you have already heard, and we have talked a lot, we are going to try to help in any way we can. I also know that the job probably will not be done unless there is substantial additional participation, outside of the police power, by the District of Columbia, to help me and Senator Gramm in making a case for our colleagues.

Mayor **Barry**. Senator, let me indicate to you that I agree with you, in the sense that we have put together 15 departments of D.C. government, from the Department of Public Works to the Department of Consumer and Regulatory Affairs. We have taken housing inspectors that would ordinarily be out inspecting houses for code violations in general, and assigned them specifically to work with the Police Department.

So that is how we have redirected our resources. We have tax auditors that would ordinarily be out auditing individual income taxes and others, and they are now beginning to audit some of these corporations that we think are selling merchandise for cash to these drug pushers and drug dealers.

So if we were to take all those 15 agencies and look at what they were doing, and what they are now doing as part of our war on drugs, you will see a significant amount of resources that are now going toward fighting this war, at the expense of some other services that some citizens may want.

Senator **Fowler**. Well, I just urge you again to continue that, just like we are asking the Federal Government to look at it again. I think, in all fairness and sincerity, we have got to ask you to continue to look at it again, along the lines that Senator Gramm outlined.

Mayor **Barry**. I think if you looked at our entire fiscal year 1989 revised budget of $2.9 billion almost $800 million is for public safety. That is a significant amount of money, I think, particularly in light of the human services programs as AFDC and Medicaid, which we have to fund and administer because we function also as a State.

So I think you will find that I have made the tough decisions, in my view, and I have pushed some decisions on my directors that they didn't like. You won't find any of them that liked what I did, because I took money out of their budgets.

HELPING THE MAYOR GET IMMEDIATE RESOURCES TO FIGHT DRUG WAR

Senator **Fowler**. Yes, OK; but now I will read this, but I also want to read that we are at least a bipartisan front up here, and I give you credit for the tough decisions, but they are going to have to be tougher.

I say with respect that we are going to go farther—we may have been the second mile, and we are walking on down the third and fourth mile. And why? Simply because the job has not been done.

Now, you heard the chairman, and you hear from me, quietly this time, that I am going to do everything I can to get existing Federal police power resources immediately—whatever that means, in a legislative, democratic system—to help you.

We do have 2,500 or 3,000 men and women under Federal jurisdiction who already have arrest powers, already are trained, and who could be made available to help reclaim these blocks.

I do agree with Chief Turner. The other day when we were talking, and with my friend, Congressman Fauntroy—we are back where we started. I just do not believe you are going to see many people shoot somebody in front of a police officer.

It all gets back, it seems to me, as simply declaring the emergency, with a capital E-M-E-R-G-E-N-C-Y. And all of us saying that this is an emergency, and it has to be dealt with, and we are going to pool the resources that we have got.

If we can help you with the Park Police and the Federal Protective Service and the Capitol Police, I want to help the chairman, and work through this committee to do everything we can to do that tomorrow.

I don't know who has the jurisdiction, Mr. Chairman, over the helicopters the Mayor requested, but I also think that that ought to be a way that can be helped. Lord knows, they fly all over the town all the time, looking at the clouds and telling us what the weather is, and where the traffic jams are, when we are sitting there and can't move anyway.

They ought to be able to be reallocated for a few weeks to see if we can use high intensity lights and the simple fear of detection and prosecution by a coordinated effort.

Mayor **Barry**. Senator, we think that the Defense Department has the appropriate kind of helicopters that could be immediately put into use, that would give us the capacity not only to fly over but to put people in there in case we wanted to do some dramatic kinds of psychological warfare.

We are fighting an unidentifiable enemy here, who is not in uniform. You can't tell one from another. So we could also use psychological warfare if we could get those five helicopters from the Defense Department, as well as some military equipment, and fully trained crews.

We think it would make a difference if we could light up a whole area and just see what is going on, move in, and keep people moving. As they move from one spot to another, we could just flash them down. I think that would be one line of weapons in this really serious emergency war on drugs, really.

We have a war, let's act like war.

CHIEF TURNER, AND THE IMPACT OF THE 6-DAY WORK WEEK

Senator **Fowler**. Mr. Chairman, let me just ask a couple of quick questions to Chief Turner.

Chief, how, with all this overtime that your officers have commendably been going through, but also that is a lot of work with all the overtime that has been used, how is the morale in the department?

Chief **Turner**. The morale appears to be pretty high, Senator Fowler. Since we have started the overtime, which was the first week in March, up until that point in time we had a double-digit increase in crime, close to 19 percent.

Through the efforts of the men and women we now have reduced that close to 19 percent increase down to 7.6 percent. I think it points out the fact that the high visibility is a deterrent, that people are feeling secure in their neighborhoods, and that they are cooperating better and giving us better intelligence and better information.

But I have yet to hear anybody complain about the fact that they are being compelled to work this 6-day work week. They are being compensated at a rate of time and a half, and I think they are planning for the summer, but it is very encouraging.

Senator **Fowler**. Well, I am delighted to hear that. With the summer coming, that was my sort of follow up question, I assume that your plan is to continue this program to the greatest extent you can?

Chief **Turner**. Yes; one of the proposals that we asked for was funding throughout the end of this fiscal year to continue the overtime.

Senator **Fowler**. That is the $14 million?

Chief **Turner**. Yes.

Senator **Fowler**. That $14 million is just for overtime pay?

Chief **Turner**. Just for overtime purposes for a 6-day work week.

ATTACKING THE DEMAND SIDE OF DRUGS

Senator **Fowler**. Just one other question.

Mr. Mayor, I know you have been exploring, and we have heard a lot about initiatives such as curfew and mandatory minimum sentencing and that sort of thing, but what is it in your plan, or the Bennett plan, that attacks the demand side of the issue?

Mayor **Barry**. Senator Fowler, the demand side, first of all, has to start with individuals. That is where you get started. But——

Senator **Fowler**. Well, again, because I have used so much time, I don't want another discussion of the battlefield of——

Mayor **Barry**. No; I don't associate myself with that one.

Senator **Fowler**. Just tell me, is there specifically anything in either plan that attacks the demand side?

Mayor **Barry**. Well, our plan does. We have asked for treatment facilities. We also think that there has to be more intensive educational programs for our young people, and training techniques for training for treatment of crack cocaine addiction.

We would like for everyone who is on drugs, and who wants to get off, to be able to walk into a clinic and immediately get treatment the same day. Right now it is about a 2-week waiting period.

We are going to spend a lot of time in looking to our residents in public housing, to get them to become more involved and cooperate with us in reducing the demand, and trying to get those kind of people who want to sell drugs out of public housing.

STOPPING MARYLAND AND VIRGINIA RESIDENTS FROM BUYING DRUGS IN THE DISTRICT

Let me just say that there is a perception that I would like to try to clear up. That is what needs to be done more than anything else on the demand side is to figure out how to get Maryland and Virginia residents to stop coming to Washington to buy all these drugs.

I am calling a meeting with 19 elected officials from this region in another 17 days or so, to see how I can get their cooperation, either through legislation or police powers, to stop a significant number of them from coming to the District to buy drugs.

The police will tell you that there is not enough money in Washington to accumulate all of this money for drugs, and a lot of this is from Maryland and Virginia people coming in to buy drugs. So on that side I am trying to make it tough on Maryland and Virginia residents who come in to purchase drugs.

I have asked my corporation counsel to see if we could enact some kind of law that we could seize the vehicle of those who come into Washington to purchase drugs.

So we are just trying all of these kinds of things. It is an unfought war, we have never fought before. So we are trying everything we can.

MERCHANTS REPORTING LARGE TRANSACTIONS WITH CASH

On the demand side we are trying to get merchants to agree to report large transactions, so as to discourage guys from coming in with $9,000 or $10,000 in cash, because if you take the opportunity to spend your money out of the drug trafficking, it takes away some of the glamor and some of the instant gratification from making $10,000.

If you can't spend it anywhere, you soon get frustrated, and then that fear of going to jail added to that, doesn't make it worth your while.

Those are some of our approaches that we are using.

Senator FOWLER. Thank you, Mr. Chairman.

My time is up, Senator Specter.

Senator ADAMS. Thank you.

Senator Specter, you have been here, and you have been very patient, and so I will go to you immediately, and then Delegate Fauntroy has some additional questions, so Senator Specter, we will recognize you.

HELP NEEDED TO MOVE FORWARD ON CORRECTIONAL TREATMENT FACILITY

Senator SPECTER. Thank you very much, Mr. Chairman.

At the outset, Mr. Chairman, I want to commend you for this second series of hearings, because I think, as the Mayor and the chief and the director of prisons have indicated, that there is a need for this committee to help activate programs, as well as the customary oversight function.

This is a subject that I have worked with the Mayor on for many years, going back to 1983, and I was interested, Mr. Mayor, and pleased to see that on emergency assistance you have placed the prison issue at the top of the agenda.

I see on page 6 of your statement that you request the help of the committee to lead an expedited effort to clearly, perhaps legislatively, state the sense of the Congress that the long-delayed 800-bed prison construction project in Southeast Washington is a local initiative, being undertaken with a special Federal appropriation.

Mr. Mayor, I think that there are many important aspects of an action plan, and I am glad to see you back promptly with an action plan, and I have asked the chairman to schedule an oversight hearing on the literacy training and the job training aspect, because I think it is very important that the committee maintain close oversight and support of that program.

As you know, I chaired one of those hearings last year, and we want to work with you on that, because there is an important aspect of literacy training, vocational training, and rehabilitation.

But once you find that people are career criminals, and are repeat offenders, then the conclusion is present that they ought to be put in jail for long periods of time, and under the armed career criminal bill, a 15 years to life.

But that can't be accomplished unless we have the jail space. Now, I believe that this committee would be unanimous in sponsoring a sense of the Senate resolution, which I will prepare promptly, for submission tomorrow. It will be on a different bill—it will be on the savings and loan bill, but I think we can get it passed 100 to nothing.

How will that help you, though, get that prison constructed?

Mayor **Barry**. Senator Specter, first of all, I want to thank you for your help and support in this area. We are in court now with a group of citizens who are just determined to block this jail at any cost. They are using the historic preservation route to do so.

If this was done by our May 18 hearing before the court, you might persuade the judge that this historic designation should not apply because it is a Federal initiative, as opposed to a local initiative. I am not a lawyer, but the lawyers say that may make a difference in the way that the court may decide.

PUTTING A PRISON FACILITY ON SOUTH CAPITOL STREET SITE

Senator Specter, before you came I also suggested to the committee that it may be that we ought to take a portion of that money and do some architectural drawings on South Capitol Street, right below the Douglas Bridge, for a 500-bed prison, just in case the opponents of the prison on Capitol Hill tie us up in court for the next year or two, we——

Senator **Specter**. So you are saying that you have an alternative site.

Mayor **Barry**. Well, we think we can put 500 beds at the site on South Capitol Street below the Douglas Bridge. There is a 5-acre piece of land there. We own over 3 acres, and the Navy owns about 2.2 acres. It is not being used for anything now. There are no people there that would be displaced.

Senator **Specter**. Is it possible to expand that area to hold the 800-bed prison? Because frankly, I would not like to see the prison pared down from 800 to 500 at a time when you need even more than 800 beds.

Mayor **Barry**. Well, my view, Senator Specter, is that we need both. I believe that we could do the 500 there, and if this litigation goes on and we finally resolve it, and we think we are going to win it, we can still continue to build the 800 bed correctional facility——

Senator **Specter**. So you would be looking for a total of 1,300 beds, as opposed to a total of 800?

Mayor **Barry**. Yes; we also——

Senator **Specter**. I think that is a good idea, because in your statement you articulate a need for 2,000 beds, and when we projected the 800 beds back in 1984, when we started this 5 years ago, we knew that that was only an interim measure.

So I applaud you for looking for the 500 beds.

Mayor **Barry**. Also, Senator Specter, we have in the 1989 supplemental budget funding for 500 additional beds at Lorton. So we are around about 1,800 spaces.

But, again, the immediacy, and the psychology, is to get those 1,500 to 2,000 people scattered around the country in facilities here so the criminals in this city will not get the notion that there is no room at the inn, and, therefore, they could go on doing what they are doing.

Senator **Specter**. Can you increase in Lorton, VA, 500 beds without raising so much local opposition in Virginia that it will never happen?

Mayor **Barry**. Well, we think we have a way of dealing with that. I have talked with Chairman Moore, of the board of supervisors. We have been able to work out a strategy where she has gotten a majority of the board to agree on—or she thinks she has gotten it—it is a little touchy—on prison expansion in the District and in Lorton, which is a big step forward.

We are still going to get opposition, but I think we can get those 500 beds done.

SENSE OF THE SENATE RESOLUTION REGARDING CTF FACILITY

Senator **Specter**. Mayor Barry, I believe, as you do, in setting forth the prison space as your No. 1 priority that is the biggest bottleneck. It is not the only issue—there are many other important aspects that you have touched upon, but that is the biggest bottleneck.

When Senator Gramm and Senator Fowler have talked about action by the District of Columbia to induce further Federal action, you couldn't find a more important area than the prison, because we did put up the money.

I realize that there was some action which delayed for a period of time, for a few months, from I think September 1987 to May 1988, action by this committee, that no member present was a party to it, that had that delay.

But that was only for a few months, and we really have to get that prison constructed, and we have worked with you. I know that there have been other forces at work, and maybe there could be additional help from the Justice Department to help you on the lawsuit, or maybe this subcommittee could help you on the lawsuit—we have one or two lawyers on this subcommittee who might speak to the issue.

But when you talk about a sense of the Senate resolution, I believe it would pass unanimously. I notice a slight nod from the chairman on the subject.

Senator **Adams**. I might say to you, Senator Specter, and to you, Mr. Mayor, that we have discussed this, Senator Specter and I. I am in complete support of his original proposal, and this committee will not be blocking in any way the construction of that, and that we are prepared—and I will discuss with the Senator a sense of the Senate resolution, plus whatever other additional help—that is what I indicated to you with regard to the police resources and so on.

The requests from the District need to be made, but then the Senators on this committee and other committees need to know those, so that we may indicate our support for that, so that we get this moving, and that it is indicated that the Senate wants this to happen.

I might state to the Senator, who was chairman of this subcommittee, that I am aware of the fact that I must wait for the House to come forward with the actual appropriation bill before some of these items can be put in, but it certainly is my intention, and I hope the Senator will join, that we put forth, in the meantime a sense of the Senate on these items that we have been discussing this morning.

I would re-echo what Senator Gramm said, and I was glad you were here, Senator Specter, to hear that, and to hear Senator Wyche Fowler, that you indicate to us that you have made certain commitments within the District budget.

REALLOCATING DISTRICT RESOURCES FOR PUBLIC SAFETY NEEDS

One of the factors that I need to have, and I assume your budget officer is here this morning, is the D.C. budget in 1989 was $2.807 billion; in 1990 it is proposed at $2.975 billion. That is a 6-percent increase.

The public safety and justice section of that was $766 million in 1989, and it is growing only to $822 million in 1990, or a 7-percent increase.

One of the significant problems, Mr. Mayor, and I want to be very clear with you, and Senator Specter is here, and other members, that the chairman has with this is that the committee wants to know that the District—and I want to know this, because I believe in home rule—that the District is bending all of its efforts, with all of its various departments, and I need a report and statement, like the chief has made on allocating officers over.

This kind of statement, then, can be coupled with the requests that we will have to be making to obtain additional funds to go in, because this is a war that has to be won. We are not here to talk about it, we are here to try to see where the resources are.

I want to let you go rather rapidly, here, as soon as we can, so that you can go and tell Mr. Bennett that, which I have done personally, and will do elsewhere, that we need more—and I have been in the Cabinet, so understand about getting agreements from other Cabinet officers—but we need to have specific movement of personnel.

But I have to stress that this has to be shown, and you have to give me and the rest of the committee the information of what the District is doing, so we can match it.

I don't want to be operating the District, I have no intention to. Just tell me so that we know what is happening in your divisions, because I know, Chief, you can only keep those officers on overtime for so many months, and I know how long it takes to train.

I am not saying that we are all powerful, we can move these other forces in, but we want to have your requests to them, so that we can back them. And I wanted you to hear that, Senator Specter, because we will be asking—to me this is a completely bipartisan and nonpartisan effort, to try to marshall immediate forces into the area, and determine how we pay for them to stop the murders.

[The information follows:]

COMPREHENSIVE REPORT ON REALLOCATING RESOURCES TO THE PUBLIC SAFETY AREA TO FIGHT THE WAR ON CRIME AND DRUGS

I would like to prepare a comprehensive report that shows how the District has reallocated its resources in the fiscal year 1989 revised budget and fiscal year 1990 budget for public safety to fight the war on crime. When you see how we have increased spending for public safety especially as it relates to fiscal year 1988 spending, you will clearly see that my top priority is for improved law enforcement and public safety needs.

[The following letter was submitted by the Mayor to Senator Brock Adams, chairman of the Subcommittee on Appropiations for the District of Columbia on May 5, 1989.]

May 5, 1989

The Honorable Brock Adams
Chairman, Subcommittee on Appropriations
  for the District of Columbia
United States Senate
Hart Office Building
Room SH 513
Washington, D. C. 20510

Dear Senator Adams:

I am writing as a follow-up to the recently held subcommittee hearing on the District's response to drug sales and drug use and to the targeted murders that these activities are producing in our residential neighborhoods.

I want to reassure the subcommittee that this government is doing all that it can to reorder its priorities and to shift its resources to the pressing demands for improved law enforcement and the overall eradication of drug sales and drug abuse in the District of Columbia. The war on drugs has been, and it continues to be, the number one priority of my administration. I believe that the District's revised FY 1989 and proposed FY 1990 budgets clearly demonstrate the city's shifting focus to put more and more of its resources into public safety agencies to fight this war.

District's Priorities on Public Safety

The continuing shift in the District's priorities to pubic safety is clearly evident in the revised FY 1989 and proposed FY 1990 budgets now being considered by the Congress. The budgets you have before you today represent some of the hardest decisions of this government, which very often has had to choose between one excellent program and another to ensure that public safety programs are adequately funded. The increasing allocation of the city's resources to public safety areas has not been accomplished without pain or as a result of increased revenue growth and new tax proposals alone. Indeed, $78.9 million has been cut from the approved FY 1989 budgets, with across-the-board rescissions amounting to $22.4 million of those reductions. The remaining $56.5 has been painfully reduced through major resizing efforts that have left some agencies at spending levels below those experienced in FY 1988. The Department of Public Works, several agencies in the Governmental Direction and Support title, Loans and Interest, the Department of Housing and Community Development, the Department of Consumer and Regulatory Affairs, the Department of Employment Services, the Department of Recreation, and the University of the District of Columbia have all taken budgetary reductions in the revised FY 1989 budget. In the revised FY 1989 budget, for example, nearly 70 percent of all agencies will take reductions when compared with the approved FY 1989 budget. Further, about 20 percent of all agencies will spend less in the revised FY 1989 budget when compared with actual expenditures in FY 1988.

The proposed FY 1990 budget carries forward the key funding decreases of the revised FY 1989 budget. The FY 1990 budget, when compared with the congressionally approved FY 1989 budget, reduces spending in nearly half of all agencies and limits most agencies to the increases needed to cover negotiated pay requirements. Agencies in personnel, administration, finance, and other governmental support areas have been hit the hardest. Despite increases for negotiated pay adding more than 6 percent to the personal services base in fiscal years 1989 and 1990, those agencies--all of which are labor intensive--will actually experience negative budgetary growth in the combined periods. The Department of Administrative Services, for example, will have an FY 1990 budget that is $1.0 million less than actual spending in FY 1986.

More than 1,300 authorized continuing full-time positions have been removed from the FY 1989 revised budgets and carried through into FY 1990. Of the nearly 1,400 new continuing full-time positions added to the FY 1990 budget, 1,144, or 82 percent, are in public safety agencies. Virtually all the rest are in human services and education agencies.

Growth in Key Public Safety Agencies

Between FY 1988 actual expenditures and the FY 1990 proposed budget, District expenditures are planned to grow by approximately 13 percent overall. Moreover, all key public safety agencies--police, corrections, courts, parole, pretrial services, and the public defender--will show growth rates exceeding the overall growth of the city's budget.

The Metropolitan Police Department will experience an increase of $34.7 million, or 17.6 percent, from the FY 1988 spending level to the FY 1990 proposed budget. The FY 1990 request will add 300 new officers to the 200 new officers authorized in the FY 1989 congressionally approved budget. Thus, with congressional approval to replace the 118 police officers whose disability retirements have been accelerated, the city is providing over a two-year period, in these planned budgets, 618 new police officers to fight the District's war on drugs.

Approximately $13.8 million, an increase of 18.4 percent, has been added to the budgets of the District's courts in the proposals now before the subcommittee. Much of the resources of the courts have been shifted to respond to the city's war on drugs. Nearly 50 percent of the Superior Court's judicial manpower is allocated to the criminal caseload, even though that caseload represents less than 30 percent of the total caseload. Combined with the budget of the Superior Court's social service efforts, more than 60 percent of the Superior Court's budget is directly devoted to fighting this city's war on drugs. Additionally, the Superior Court has adopted an accelerated felony calendar to ensure that it can address preventive detention cases within the statutory limits. Since 70 percent of criminal defendants in the Superior Court test positive for drugs, virtually all felony courtrooms are addressing the products of the District's war on drug.

The Department of Corrections will also experience a growth rate greater than the overall growth of the District's budget. Nearly $33.0 million, a 16.9 percent increase, will be added to that department in the revised FY 1989 and the proposed FY 1990 budgets. Virtually all the increases in the Department of Corrections are associated with a burgeoning population as a direct result of the District's war on drugs. The city's capital budget proposals also ask for major increases in capital construction projects at the District's correctional facility at Lorton, Virginia, as well as in the District of Columbia. Of the $260.0 million in new capital authority requested in the combined revised FY 1989 and the proposed FY 1990 budgets, 58 percent, or $150.0 million, is targeted to new prison construction and major improvements in existing facilities. The District's recognition of the need to send a strong message to drug dealers and pushers is evident.

The District's Board of Parole, Public Defender Service, and Pretrial Services Agency each are experiencing budgetary growth in excess of the overall growth in the District's budget between FY 1988 and FY 1990. The Board of Parole will grow by 40.5 percent, with an increase of $1.6 million; the Public Defender Service will grow by 34.2 percent, with an increase of $1.8 million; and the Pretrial Services agency will grow by 28.3 percent, with an increase of $689,000. Clearly, the District's budgetary response reflects the shifting focus on public safety priorities.

Other District Governmental Programs and Coordinated Responses

While I have addressed in some detail the continuing focus of the District's resources on public safety agencies, I want to express to this subcommittee that the response to the violence associated with drug use and abuse in the District of Columbia is not limited to public safety alone. Rather, the District's approach is a comprehensive one that recognizes prevention and treatment as major partners in our war against drugs. Let me highlight some of those programs now.

Our major prevention and treatment efforts are targeted to those residential areas of the District in which drug use, abuse, and violence are most prevalent. We have also developed programs in the Department of Recreation, the Department of Employment Services, the Department of Public and Assisted Housing, and the Department of Human Services to provide the kind of supportive services that we believe are necessary to complement our law enforcement efforts.

In the Department of Human Services, we are expanding our drug treatment programs and will open two new treatment centers in Wards 7 and 8. The budget for the Alcohol and Drug Abuse Substance Administration (ADASA) will be $31.6 million in FY 1990, a growth rate of some 19 percent and $5.2 million over actual FY 1988 spending. The Youth Services Administration will increase by $9.1 million. This represents a 29.4 percent increase in just two years and focuses resources on incarcerated youths as well as those identified as at risk. Consistent with citizen Initiative No. 17, the District will target more and more of its limited resources on sheltering the homeless. The District will spend nearly $32.0 million to shelter the homeless, to prevent homelessness, and to provide emergency assistance in FY 1990. Compared with FY 1988 expenditures, this represents a 21.3 percent growth rate and a $5.6 million increase. My administration's philosophy of moving people from dependency to self-sufficiency is an integral component of the District's drug abuse prevention fabric. Woven throughout our government are numerous programs that address poverty and despair. Unfortunately, the plight of urban America makes our citizens more vulnerable both to the short-term view of economic freedom through the sale of drugs and to the targeted murders--the product of drug economics.

The District has also targeted existing resources--coordinated across city agencies--to "Operation Fightback," a multifaceted antidrug-abuse effort focused on prevention and educational awareness. The District has lead, and continues to lead, the nation in the use of local funds for low- to moderate-income housing, job training, and productive summer youth employment programs.

The public schools and the public libraries each have drug prevention, education, and awareness programs. The schools are targeting more and more of their education efforts to lower grades and are working closely with teachers and school counselors to identify and reach children at risk.

I want to thank you and other members of the subcommittee for your unflagging interest in our city. In the past, you have not only participated in the greatness of this city, but you have also faced its challenges head-on. The federal government, as the District's major employer, benefits--as do all our residents and visitors to the nation's capital--from a vibrant, wholesome, stimulating, and safe environment. Our alliance and resolve now in meeting this community's most difficult challenge of the decade must be strengthened and nurtured if we are to succeed. I look forward to a growing partnership with you as we continue together to make a profound difference and improvement in the quality of life of those who choose to live, to work, to visit, and to do business here.

Sincerely,

Marion Barry

Marion Barry, Jr.
Mayor

HELP FROM THE ALCOHOL, TOBACCO AND FIREARMS POLICING UNITS

Senator **Adams**. Representative Fauntroy, did you have any other comments you wished to make? And then we will let the Mayor go to his meeting.

Senator **Specter**. I just wanted to say that I concur with you. The one principal policing unit is the alcohol, tobacco and firearms unit, where they work on drug addicts.

We are having Secretary Brady in tomorrow on foreign operations, before the Foreign Operations Subcommittee of Appropriations, and I will press him, although it is not foreign operations, it might be so construed to try to get extra help for Washington, DC, there.

I am going back to my office now to draft a sense of the Senate resolution, to help you with the May 18 hearing.

Mayor **Barry**. Thank you.

Senator **Specter**. If I can, I might even drop by the hearing myself, to hear the argument, and appear as a friend of the Mayor.

Mayor **Barry**. Also, Senator Specter, let me indicate that the Attorney General is a codefendant in this case, and so——

Senator **Specter**. I will be a friend of the Attorney General, too.

Mayor **Barry**. Great. From your State.

Senator **Adams**. Thank you, Senator Specter.

Representative Fauntroy?

REMARKS OF THE DISTRICT DELEGATE, WALTER FAUNTROY

Mr. **Fauntroy**. Thank you, Mr. Chairman.

I simply have a series of brief questions that will require only a yes or no answer, and we will be out of here.

First of all, Mr. Mayor, would you not agree that we owe a debt of gratitude to Chairman Brock Adams and the members of this committee, who now, in 2 weeks, have given their time for two hearings to deal with this crisis—you would agree with that?

Mayor **Barry**. Unequivocally, yes.

Mr. **Fauntroy**. Second, you would agree that this has been a most informative and useful hearing. We have had here the U.S. attorney, who has comforted all of us with the fact that he has responded already to the omnibus Anti-Drug Act that we passed in 1988, by adding 28 additional prosecutors to handle the increased workload.

He has pointed out that he has already taken some major steps to reorganize the U.S. attorney's office to handle this.

Would you not agree that it would have been helpful had he indicated how many more prosecutors he might be able to use to handle the cases, the 14,000 for example, and those beyond that 14,000 that are out there—you would agree with that?

Mayor **Barry**. Yes.

Mr. **Fauntroy**. Third, you would agree that it was useful for him to have an opportunity to hear, and Members of the Congress to have an opportunity to hear, that the decision to build those additional prison spaces in the District of Columbia was not to be left on the shoulders of the D.C. government, and you are as pleased as I am that Senator Specter and Senator Brock Adams have agreed that they are going to help in whatever way possible to enable us to do what we want to do in these areas.

I think you would agree, as well, that it was useful that Senator Wyche Fowler had an opportunity, not only to support our 700 additional police officers that we feel are needed, at least for a 5-year period, until this crisis abates, but also to call upon many willing and able law enforcement officials in the District of Columbia, who could fill in these next 6 to 10 months while others are being trained in this regard.

I was happy to have you at our church yesterday for worship. One of our trustees is a member of the Park Police, and he said, "Reverend, I would be very happy to be detailed to assist the local law enforcement officials. I have arrest powers, and if you are able to get it done, I want to help."

In addition, I ran into a member of the Capitol Police, right here, three of them, who said, "You know, that's a pretty good idea, and quite frankly, I want to help, too."

And so I am surely pleased, not only that you were able to lay that out here today, but that you got such favorable response from the chairman and from others in this regard.

In short, would you not agree, this has been a good hearing?

Mayor **BARRY**. Absolutely.

Mr. **FAUNTROY**. I want to thank Senator Adams for not only having the hearing, but, as a matter of congressional courtesy, extending to me as a Member of Congress, the privilege of joining you at these panels.

Thank you, Brock.

Senator **ADAMS**. Representative Fauntroy, it was a pleasure to do that.

ADDITIONAL SUBMITTED STATEMENTS

Thank you, Senator Fowler. We will place your submitted statement in the record at this point, along with one we received from William J. Bennett, who is the Director of the Office of National Drug Control Policy.

[The statements follow:]

STATEMENT OF SENATOR WYCHE FOWLER, JR.

When it comes to our plans for fighting drugs and crime in the District of Columbia, there has been an extraordinary amount of confusion in the last couple of weeks.

We have heard statistical comparisons between cities that generate more heat than light.

We've seen specific government efforts criticized. Washington, D.C. and other cities surely provide glaring and often gruesome portrayals of the crisis we face in fighting the crack invasion. I think it is a legitimate question to be asked whether any government at any level in this country has adequately served our citizens in the fight against drugs.

We held one hearing last week without any plan before us for evaluation. Now we've got two plans, but I still think we've got more questions than answers. One thing we all know: we are still experiencing unacceptable levels of drug use and violent crime in the District.

I am sorry that Mr. Bennett could not be with us today, but I hope we can proceed with Mayor Barry as we try to more fully discern the differences between the Barry Plan and the Bennett Plan. I understand that a major component of the Bennett Plan, that accounted for the majority of its funding requirement, has been dropped since the plan was introduced last week.

Today, I hope we can begin to clear up some of this confusion and work through some of the issues raised by these two proposals. The proposals differ in the degree of Federal intervention and control, in the level and source of funding. That's enough for us to work up a sweat right there.

We also have to decide whether we are going to concentrate on penetrating the drug networks, on the one hand, or seize and hold territory on the other. Which plan uses manpower and resources the most efficiently and cost effectively? What is the importance of high visibility for results in the long run? I am the first to say we need to make our determination to win this battle widely known and understood. Nonetheless, is crime in secured sites merely transferred to other neighborhoods, and will it return when police presence diminishes?

We need answers to all these questions. I think we probably need to raise some more that neither plan emphasizes:

Why have all the previous initiatives in law enforcement—the Drug Interdiction Unit, the Metro Police/DEA Task Force, the Narcotics Task Force, and Operation Clean Sweep—not provided the police strength to get this situation under some kind of control? We need to understand that before we talk about all these other officers we are going to add.

We are hearing a lot about beefed up enforcement and a little about education and treatment. Are we striking the proper balance here? In particular, I'd like to know just what the rehabilitation prospects are for someone addicted to as virulent a drug as crack.

This is what I am getting at: In the effort to increase law enforcement capacity, the two plans differ both in where the money will come from and where it will go. I am interested in focusing on the differences in strategy. I realize it is the function of this committee to preoccupy itself with where money comes from and where it goes.

However, all the money coming and going won't do any good without a sound strategy. We're talking more money. We're talking more law enforcement capacity. But I am not sure we have yet devised the smartest strategy to fight drugs and crime in the District of Columbia.

STATEMENT OF WILLIAM J. BENNETT, DIRECTOR, OFFICE OF NATIONAL DRUG CONTROL POLICY

As the Director of the Office of National Drug Control Policy, I am charged with developing a national strategy for the fight against drugs. This was the intent of Congress when it created the Office of National Drug Control Policy, and I consider this task to be my major mission.

Early last week, I announced a plan for the federal government to assist the people of the District of Columbia in fighting the recent upsurge of drug-related violence. I turned to the District of Columbia first, because I wanted to help its citizens, some of whom live in constant fear. The residents of our cities should not feel that they are powerless in ensuring the public order. I turned to the District because the situation in this city has shocked the sensibilities of the nation. The District of Columbia is a microcosm of our national spirit. It is a symbol of our nation's public order. If legitimate authority cannot carry the day here, it cannot carry the day anywhere in the nation.

In the short run, I felt that the District of Columbia needed the assistance of the Federal Government to get a grip on the most immediate needs of any community—public order. We are offering help to manage the prison situation, to expedite its prosecutions, and to reduce the backlog of unresolved homicide cases. I hope these resources will create an opportunity for local officials to regain control of the situation. More important, I hope this effort brings renewed hope to the citizens of the District of Columbia.

But I also felt that by helping the citizens of the District of Columbia, I would learn something about the larger task ahead. I believe our D.C. plan will help prepare my office for the task of devising a national strategy against illegal drugs. We are going to examine how the deployment of Federal resources here affects the problems in this city as a means of determining how effective such direct assistance can be.

In the long-term, the District of Columbia must solve its own problems. The people themselves know the insidious effects of drug use. Their local government must work to provide quality treatment for those who have taken up this pernicious and illegal habit; it must provide prison space for those who continue to flout the law; and, it must once again—in every area of the city—provide a decent and orderly atmosphere for its citizens to live in.

SUBCOMMITTEE RECESS

Senator **Adams**. The fight and the march go on, so this subcommittee will not adjourn. This subcommittee will recess, subject to the call of the Chair, and we will be writing letters and trying to carry forward the actions that were outlined today.

I would appreciate it, Mr Mayor, if you and members of your staff would inform members of my staff and myself as these activities either are or are not happening, and that you can indicate to Mr. Bennett this morning that we had a hearing, and you want to know where all those police and all those helicopters and all the rest of that help is.

This subcommittee will stand at recess.

[Whereupon, at 12:15 p.m., Monday, April 17, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1990

WEDNESDAY, MAY 10, 1989

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Brock Adams (chairman) presiding.

Present: Senators Adams, Fowler, Kerrey, Gramm, and Domenici.

DISTRICT OF COLUMBIA

OFFICE OF THE MAYOR

STATEMENT OF HON. MARION S. BARRY, JR., MAYOR

ACCOMPANIED BY:

- **ROBERT POHLMAN, DEPUTY MAYOR FOR FINANCE**
- **WILHELMINA MARSHALL, DIRECTOR, LEGISLATIVE AFFAIRS DIVISION, OFFICE OF THE BUDGET**
- **RICHARD SIEGEL, DIRECTOR, OFFICE OF THE BUDGET**
- **HON. DAVID A. CLARKE, CHAIRMAN, DISTRICT OF COLUMBIA COUNCIL**
- **RICHARD CLARK, INTERGOVERNMENTAL LIAISON OFFICER OF THE CITY COUNCIL**
- **ARTHUR BLITZSTEIN, BUDGET DIRECTOR OF THE COUNCIL**

OPENING REMARKS

Senator ADAMS. The subcommittee will come to order. The District of Columbia Subcommittee meets today to begin consideration of the District's fiscal year 1990 budget. This budget is projected to be $3 billion, $2.6 billion of which comes from the taxpayers of the District of Columbia, and the balance, or 14 percent, from the Federal Government.

We have already conducted two overview hearings on the subject of crime and drugs in the District, and we will certainly explore those subjects further today. We will be discussing, of course, other matters of concern to the committee; and I am hopeful that today we will be able to establish the baselines and the other necessary parts of the budgeting procedure so that we may discuss in greater detail specific problems that the District may have that are under the jurisdiction of this subcommittee.

At the outset, I want to emphasize that we do not dwell on this subject of drugs and the crime rate because the District is unique.

This problem is everywhere, in every community in the Nation. I have seen crack dealers plying their trade in broad daylight, rock cocaine houses located in previously quiet and stable residential neighborhoods; one located across the street from a day-care center.

I have toured the streets of Seattle. I have seen similar circumstances; though I must admit that in that case, they do seem to have the problem more under control, either because it has not arrived at the degree of severity that exists here, or because they are using different methods.

Local police have confiscated record numbers of weapons, including semiautomatic rifles. I, again, have seen all these things in Seattle, WA. These are local problems; but they are with national dimensions. Our position is to make certain that the District's basic needs are taken care of; that the homicides are being addressed; that the city makes certain we know what is necessary to fulfill their plans to deal with these problems, and that the plans are practical.

Our witnesses today are Mayor Marion Barry—welcome, Mr. Mayor—and Council Chairman David Clarke. Welcome, Mr. Chairman. It is a pleasure to welcome you here this morning, and we look forward to your testimony. Mr. Mayor, before you start, you might want to introduce members of your staff and other members.

Mr. Mayor, we will place your entire statement in the record, without objection, along with that of Chairman Clarke. And in the interests of time, we ask that you summarize your testimony. But this matter is of such great importance that I want to state this to the witnesses, that you may summarize your testimony; you may read it in full, or you may present it in whatever manner you feel is most effective to the committee.

This committee this year—and I am certain in every year, but in this year in particular—feels a great responsibility, along with the other committees of Congress. I know those of you that are involved in the city government, both in the executive and the legislative branch, that we deal with the problems of the District, both those that are highly visible and those that involve the day-to-day lives of the citizens.

That is why we are starting these hearings very early. I have started them in this case before the House side, not because we are not well aware of the fact that the appropriation bills originate in the House, and we will be expecting to have that bill, but the chairman of the committee there has other activities that he must carry out. Therefore, we are trying to do everything possible to complete our work, and hopefully the House will complete their work so that we can have an early hearing and hopefully an early law with regard to the appropriations for the District of Columbia.

Now, Mr. Mayor, it is a pleasure to welcome you this morning. I will turn first to ask whether or not Senator Gramm has any opening statement he would like to make, and any other member that does, if they let me know, why, I will do so.

Senator Gramm?

OPENING REMARKS OF SENATOR GRAMM

Senator GRAMM. Well, Mr. Chairman, let me thank you for the recognition; and let me say that I want to identify myself with the opening statement that you made.

Mr. Chairman, in looking at the D.C. budget and trying to put my trusty calculator to work in figuring out priorities, basically I find that between fiscal year 1989 and fiscal year 1990, the District of Columbia is proposing to increase expenditures by about 11 percent. That is 3.6 times the rate of growth in the Federal budget that we just adopted in the Senate.

But what alarms me—if, as I see the figures, if they are correct—is that while overall spending for the District of Columbia is projected in this budget to grow by 11 percent, the expenditure for the public safety function, which includes the Police Department, the Fire Department, the courts, the prisons; that function is projected to grow by only 9 percent.

And what I do not understand is that with all of these killings, with all of these problems that we face in terms of protecting the public in the District of Columbia, if these figures are correct, I do not understand why the overall budget is growing by a larger percent than our expenditure on public safety.

I would guess that if you went out and did a survey in the District of Columbia that you would find that protection of the public against crimes especially crimes of violence, would be at the very top of the priority list.

And yet, as I look at the proposed budget, I find the function that is related to public safety growing by less than the overall budget. And if indeed that is correct, I would like to know what these priorities are that are more important than protecting the public.

What is more important that is being done by the District of Columbia than the public safety? It seems to me that, given the crisis that exists in the District of Columbia in terms of drugs and crimes, especially in terms of the number of people that are being killed, that one would anticipate, looking at the budget, that the expenditures for the Police Department, for example, or for the whole public safety function, would be growing at two or three times the rate of growth in the budget. But the overall public safety function, according to my calculation, is in fact growing less than the budget. And even the police function is growing roughly at the same percentage as the budget.

Now, what I do not understand, Mr. Chairman—and then let me throw this out, and then I want to listen, because I did not come here to speak but instead to listen to what is being proposed in this budget—but I hear people in the District of Columbia and people representing them in the District of Columbia say we have a crisis; we want the Federal Government to provide more funding for more police. And yet, as I look at the budget of the District of Columbia, I find the public safety function is actually growing by less than the overall budget.

Now, it is sort of like you are trying to determine what people's priorities are, and you have got two signals. One signal is what they say, and the other signal is what they do. And I guess, maybe from all my work on the budget around here, it is the priorities that people in Government spend their money on that tells me what their priorities are. And so I am a little bit concerned and surprised, given all of the cries of alarm and the request for assistance from the Federal Government, that we actually are seeing the public safety function get smaller relative to the overall expenditures of the D.C. government.

Expenditures on corrections, for example, are projected to grow by only 8 percent, whereas the overall budget is projected to grow by 11 percent. I just cannot believe that that reflects the priorities of the people living in the District of Columbia, who want to get all these drug thugs and murderers off the streets and into prisons.

So these are concerns that I have, Mr. Chairman, and I hope they will be addressed as we hear from the Mayor and the head of the council.

Senator **Adams**. Thank you, Senator Gramm, for an excellent statement. And the question is posed.

Senator Domenici?

OPENING REMARKS OF SENATOR DOMENICI

Senator **Domenici**. Mr. Chairman, let me raise with the representatives of the District my concern about one major problem—drugs, and everything related to illegal drugs. I agree that drugs are probably the worst national social problem we have ever had; and its potential is to ruin the country, not just Washington, DC. I think the District, Mr. Mayor and Mr. Chairman, is unique compared with some other metropolitan areas. If I understand your jurisdiction correctly, other than the fact that you need some supplementary money from the Federal Government, you do control the budget of the schools; you do control the budget of the Corrections Department; you do control the budget of the judicial part of your system, and you do control your own law enforcement activities.

Frankly, having served in city government a long, long time ago, and having met recently with all those in charge of the war on drugs in my own home city, I find that they would very much like to have one source of control over those institutions of government that I just described to you, so they could really collaborate in an overall antidrug effort.

In most cities, and I say this to you, Mr. Chairman, the courts are funded differently than the city government. The State funds the courts, or the county does. They have a city police; but they also have a sheriff's department that has joint jurisdiction. The penal system is not run by them, but run by somebody else. They have a very difficult time coordinating the war on drugs and crime.

It seems to me that you have a unique opportunity to not only consolidate these resources but, to the extent possible, consolidate the antidrug effort. I remain very perplexed and concerned about the relationship between arrests and what happens to the people arrested. As just one Senator, I want to tell you again that even if it takes a separate hearing, I would like some statistics on the disposition of drug cases—how many are arrested, detained, released, tried, and the final disposition of the cases.

I am very concerned that there is a breakdown in that process that is sending the wrong signal. I happen to live very close to the Capitol, and now know several people who are very intimately involved in government here, and live here—your constituents. And they tell me that, on the streets among those who are in this business of drugs, there is a notion that to be arrested means nothing.

Now, I do not know if that is true, Mr. Mayor, but you and I talked a little bit about this. If they already know that being arrested means you get put in a wagon and taken some place for a short while, and you are going to be back out on the streets, maybe with a slight bond bill to add to your drug business requirement, I think that signal is a very, very bad undercurrent. While it is not specific, it is related to a question of the distinguished Senator from Texas. I do not think it is necessarily a dollar issue. Is the process, procedure, working or not? While you are fortunate to have most of the resources within your jurisdiction, most cities do not. I may be wrong. And if I am, I would really like to know it.

In any event, I think it would be very helpful for us to find out where the breakdown is, whether it is our processes, or whether it is an archaic system of bonds. Somehow or another, this subcommittee needs to understand how the antidrug effort of the District is working. Perhaps you will not have time today to get into it, but I really would like to, at some point, try to understand the process and see what is happening.

Thank you very much, Mr. Chairman.

Senator ADAMS. Thank you, Senator Domenici. Mr. Mayor, it is a pleasure to welcome you before the committee, and we await your statement.

INTRODUCTION OF ASSOCIATES

Mayor BARRY. Thank you very much, Mr. Chairman. Let me first of all express my great delight and pleasure to appear before you today. Present with me is our Deputy Mayor for Finance, Bob Pohlman, who is at the end of the table; our Budget Director, Richard Siegel; our budget operations and legislative person, Wilhelmina Marshall, Director of the Legislative Affairs Unit in the Budget Office, who works very closely with the Congress on the budget. Behind me, just in case we need some additional help, is Carol Thompson, my City Administrator and Deputy Mayor of Operations; Wiley Williams, Deputy Mayor for Economic Development, and John Jackson, who heads our Alcohol and Drug Abuse Administration.

OPENING REMARKS OF MAYOR BARRY

Before I read a shortened portion of my statement, let me get at some of the questions raised by Senator Gramm. Senator Gramm, in terms of our view of the budget, we have made some extreme, difficult political and program decisions. We have re-prioritized this fiscal year 1989 and fiscal year 1990 budget.

COMPARISONS OF SPENDING ON PUBLIC SAFETY

The public safety appropriation title increases 17.3 percent from fiscal year 1988 spending to the fiscal year 1990 budget request. In terms of the Metropolitan Police Department, the budget increases 17.6 percent during this same time period. This budget proposes to add 300 new officers for a total of 618 new police officers over a 2-year period. Also, during this same time period the court's budget increases 18.4 percent; the Board of Parole's budget increases 40.5 percent; the Public Defender Service budget grows 34.2 percent, and the Pretrial Service Agency budget increases 28.3 percent.

I just wanted to make sure that that was clear from our calculations, and what our records reflect. Obviously, we went from one base set of data to the other. For the first time in the last 10 years, when we look at the entire District's budget, the largest share of our resources is going into public safety. That is the first issue.

NO CONTROL OVER THE PUBLIC SCHOOLS

Second, Senator Domenici, let me just say that I do not welcome this system we have here. You may. Others may. I do not. I am responsible for submitting the public schools' budget to the council. But the council, nor the Mayor, has any control over the public schools' spending of that budget. If they have a $525 million budget, they can spend it the way they want to. I do not have any responsibility for the hiring of any personnel, any policies of the school system, or anything else.

NO CONTROL OVER THE DISTRICT'S COURT SYSTEM

In terms of the court system, we have no control over what happens when people are arrested and tried. The Metropolitan Police Department arrests people, which is under my jurisdiction. We have a fine Police Department. From that point on, the city government has no control over what happens.

The U.S. attorney for the District of Columbia institutionally—and Jay Stevens is an outstanding U.S. attorney—decides who goes to trial, what cases are processed, what plea bargaining goes on, what bond is asked for, and a whole range of prosecutorial discretions that most mayors have some influence over, either directly or indirectly.

The Pretrial Services Agency determines the backgrounds and records of the people, and make recommendations to the court. This Mayor and this council have no control over the content of those recommendations. The Public Defender Service defends those persons. They decide what the defense ought to be.

The President of the United States appoints the judges. These are fine judges. But the citizens of Washington have no control over their judicial temperament. It is the judges of the superior court that decide the bond or nonbond. It is the U.S. attorney who decides on pretrial detention or nonpretrial detention. The U.S. attorney decides on whether to ask for high-money bonds or low-money bonds.

And so, when it finally ends up, the city government is stuck with the responsibility of making the arrest and then incarcerating those who are arrested. In between, we have no control. I do not like that system. It is not a system that I would ever, ever advocate, in terms of control.

LARGE INCREASE IN THE DEPARTMENT OF CORRECTIONS BUDGET

The corrections system certainly is under our control. But in the States of New Mexico, Texas, and the State of Washington, the State government has responsibility for the correctional system. It has a broader base of taxation. It has a whole State that it can draw on, to tax, to pay for the correctional system. Whereas when we look at our correctional system budget, it has grown by 16.9 percent the revised fiscal year 1989 budget to the fiscal year 1990 budget request. This has all come from our local, narrow tax base.

LACK OF CONTROL OVER THE PUBLIC SCHOOLS AND THE COURT SYSTEM

And so, while others may like this, I do not. I would rather the school system had more financial and fiscal authority to raise its own moneys, and its own taxes. We have got an elected school board, and I certainly support that. I served as president of the board for 3 years. I have some influence over the content of the school system.

We have a school system which is a great school system; but on the other hand, it is like other school systems around the Nation. It is facing some serious problems in our high schools. Five percent of those who start in eighth grade do not graduate.

So, while I welcome your comments about the control, I do not like the way it is structured. In fact, in some instances, I think the structure is designed to fail, where the Mayor and council have no control over the judicial system, except bringing people to the courthouse. The police officers bring them in handcuffs and leave them there. Beyond that, we do not have any control.

BIFURCATED COURT SYSTEM

I think Senator Adams has been a U.S. attorney; and he knows that there is a lot of prosecutorial discretion as to whether you ask for high-money bonds or whether you ask for other kinds of bonds and whether or not it is plea bargaining.

Let me also state, Senators, notwithstanding this bifurcated system, and this nonworkable system, we have incarcerated more people per capita in Washington, DC, than anywhere in the United States of America; in fact, anywhere in the free world, except South Africa.

Presently, there is a good side of it and a bad side of it. There are over 12,000 D.C. residents incarcerated. Almost 8,000 are in our local system, a couple of thousand in the Federal system that we pay for every month, and about 900 in other prisons around the country, including some in Texas.

So, we do arrest people in record numbers, notwithstanding that bifurcated, nonworkable system. We incarcerate people at record numbers. The problem we face here is that Washington is landlocked, unlike Dallas, which has about 42 percent of its city limits in the metropolitan area, or Philadelphia, with about 35 percent.

So, in those cities such as Dallas, Houston, and San Antonio, they have a leveling effect. They have a number of poor people, and those who commit crimes; but you also have a significant number of noncriminals.

But when it is all said and done, notwithstanding this system, our crime rate, which is measured nationally by the FBI, is No. 57 in the country. There is a higher crime rate in Houston, no offense to Cathy Whitmeyer, Dallas, San Antonio, Portland, OR; Miami, and Atlanta. So, we are wrestling with these problems. But the percentage of moneys we are spending on public safety has increased dramatically over last year, when compared to fiscal year 1988 spending. We have reduced budgets in other agencies significantly to try to take care of this.

LARGEST SPENDING AREAS OF THE BUDGET

The three largest areas of our budget are something that I do not think any of us want to see reduced significantly. Our public schools budget is over $500 million with one of the highest per-pupil expenditures in the country. Our Department of Human Services budget is almost $700 million; and our public safety budget is over $700 million.

And so, that demonstrates clearly that the Mayor and the council have wrestled with these very difficult decisions, and have made some unpopular decisions in terms of the political fallout. I reduced some programs that I thought I never would reduce. I have upset our unions by proposing certain actions; and we have a number of our union leaders here today.

So, I think we have acted as responsibly as we possibly can. I want to get that out of the way first, and then get into my statement.

Senator **Gramm**. Mr. Chairman?

Senator **Adams**. Senator Gramm?

DIFFERENCES IN THE BASE OF SPENDING COMPARISONS

Senator **Gramm**. Mr. Chairman, if the Mayor would yield? I think it is very important that we be sure we are working off the same numbers. And I try to always, Mr. Mayor, teach my children not to argue about facts; that you do not argue about facts, you go look them up. And as I look at these numbers——

Senator **Adams**. What page are you referring to?

Senator **Gramm**. I am talking about page H8. On page H8, let us just start with public safety and justice. Your final 1989 figure was $762,357,000. Your 1990 request is $833,180,000. and when I calculate that out, that is a 9.3 percent increase.

When you take the total figure on D.C. government spending, it is $3,070,998,000 which was the final figure in 1989. And you have got $3,280,000,000 in 1990. So the numbers I have, that come right out of your book, is a 9-percent increase in public safety over your final 1989 figure, and 11 percent increase in total expenditures; and then when you look at corrections, your final figure on the same page, Mr. Chairman, H8, for corrections, is $210,154,000. And then the request for 1990 is $227,465,000.

And when I calculate that out, unless I am in error, that calculates out as roughly a $17 million increase, which is 8 percent. So I do not want to get into an argument about the figures; but reading your budget document, I still come to the same conclusion; that we can debate as to what it means or its relevance. But I come to the same conclusion, that the public safety function over what you are actually spending now—your revised 1989 figure—your public safety function is proposed to grow only by 9 percent; whereas the overall budget of the District of Columbia is proposed to grow by 11 percent.

Now, maybe 9 percent is enough. Maybe the overall functions need to grow by 11 percent. But that, as an outsider looking in, does not look to me to be the priorities that most people would feel that the District of Columbia ought to have.

In fact, I am amazed, Mr. Chairman, that the public safety function is not growing twice as fast, or three times as fast, as the budget, given the problems we face. I have to believe that that does not represent the priorities that at least I perceive that most people living in the District of Columbia would have.

Senator **Adams**. Mr. Mayor, you have got an awful lot of budget people here. We have a lot of calculators, and so on. It seems to me that this figure we ought to be able to agree upon.

CLARIFYING THE SPENDING COMPARISONS

Mayor **Barry**. Mr. Chairman, I can clear it up.

Senator **Adams**. Yes; do you want to consult with Ms. Marshall there?

Mayor **Barry**. No; Mr. Chairman, I have——

Senator **Adams**. I look at the same figures here——

Mayor **Barry**. I have an answer.

Senator **Adams**. I do not like in subcommittee hearings or any other, Mr. Mayor, to be calculating either off the top of my head—and I am not critical at all of what the subject is. This is something he likes to do.

I have been a budget chairman, and I always had somebody else do it. Which is which?

Mayor **Barry**. I can clear it up.

Senator Gramm, what I am doing is comparing the fiscal year 1990 budget request to the actual spending for fiscal year 1988. I started with a base of the actual spending for the public safety appropriations for the fiscal year 1988.

Senator **Gramm**. Well Mr. Mayor, that was 2 years ago.

Mayor **Barry**. Wait a second, Senator. We are into fiscal year 1989 now, so I had to take what we were spending in 1988 and make some hard decisions in reprioritizing the supplemental for fiscal year 1989 and the fiscal year 1990 budget. So when you go from the fiscal year 1988 spending to fiscal year 1990 budget request, our overall figure is a 7.3-percent increase, and the public safety increase is 9.7. And we look at the Police Department—you made this observation yourself—we have more police officers per capita than any other city in America—vastly a lot more. And with this budget we are talking about over 4,000 police officers. We have more correctional officers and people locked up than anywhere else in America.

So the question of priorities is one that we have been sensitive to.

Senator **Adams**. But I need to know, Mr. Mayor, and maybe the public does, and we, both Senator Gramm and I, understand budgeting just as you do. You are going from actual spending in the existing year to what you are proposing for the fiscal year that was started October 1?

Mayor **Barry**. No; we are going from the actual spending in fiscal year 1988 to a revised fiscal year 1989 budget or the fiscal year 1989 supplemental to the fiscal year 1990 budget request. And so our budget, that is before you now, is a 2-year budget. It is a revised fiscal year 1989 budget and a new fiscal year 1990 budget which builds on the revised 1989.

So we took the actual spending from 1988 as our base, and I think that is——

Senator **Adams**. But I am saying you took the fiscal year 1988——

Mayor **Barry**. The base——

Senator **Adams**. Actual spending as your base.

Mayor **Barry**. Right.

Senator **Adams**. And you did not take the interim 1989 as a base, and what we are looking at, of course, is the fiscal year 1990 budget which will start on October 1 of this year.

Mayor **Barry**. You are comparing the revised fiscal year 1989 budget to the fiscal year 1990 budget request, where as I am comparing the fiscal year 1988 actual spending to the fiscal year 1990 budget request.

Senator **Adams**. Precisely.

So I just want to be certain that your increase figures that you're giving are of the actual spending of fiscal year 1988 which started——

Mayor **Barry**. October 1, 1987.

Senator **Adams**. October 1, 1987—September 30, 1988.

Mayor **Barry**. It ended September 30, 1988, right. That was 6 months ago.

Senator **Adams**. So between September 30, 1988, and what you are proposing today is your comparison.

Now Senator Gramm is comparing what you have proposed and are operating under from September 30 of last year up through what will be September 30 of this year, and comparing it to your request for the year that will start October 1.

Are we in agreement in that now?

Mayor **Barry**. Yes, sir; we are.

Senator **Adams**. I do not want in any way to injure the Senator's point, but I just wanted to be sure there was only one set of numbers, and I agree with you completely. I say the same thing to my children. They do not always believe me, but it is better to start with facts than argue on subjective things.

Mr. Chairman of the City Council?

Mr. **Clarke**. Yes; if I could confuse things further, Mr. Chairperson, the Mayor seems to be measuring actual 1988 spending to the fiscal year 1990 budget.

Senator **Adams**. That is correct.

Mr. **Clarke**. Senator Gramm appears to be measuring 1989 revised to 1990. Right now we are in 1989.

Senator **Adams**. Correct.

Mr. **Clarke**. And so the 1989 budget is what is on page 8, Senator, as current 1989.

Senator **Adams**. Correct. We understand that. We have not completed that year yet, but you are operating with that sum of money. It is only a trend figure, Mr. Chairman, that we are dealing with here; and we all understand, I think now, the base points. And Senator Gramm is satisfied with that, and I am, and the Mayor is. Now is there something else?

Mr. **Clarke**. Yes; using current 1989 to 1990, the whole budget grows by 8.4 percent, and the public safety sector grows by 13.5 percent.

Senator **Gramm**. Well, the only point that I am making, Mr. Chairman—and I am satisfied with the argument—is the way we budget and the way, I think, everybody else budgets is you look at what your plan is this year and you compare it to what your plan is next year. You do not go back to last year, and so you have 2-year growth.

But I think my point stands at least in terms of what I am trying to say. Even if you go back 2 years, I do not see how given the problems in the District of Columbia that we are spending enough—relatively speaking—on law enforcement. That is my point, and however we want to jiggle these numbers—what I was doing is trying to look at the revised 1989 figure, which is what you are operating on now and comparing it to 1990, and then the Mayor was looking at 1988.

Now maybe there was another figure, and maybe when we get all through with this we ought to go back and be sure we agree on numbers, but that is the point I was trying to make.

FIGHTING THE WAR ON DRUGS

Mayor **Barry**. Mr. Chairman, I think we agree on numbers. Again, Senator Gramm, let me indicate our philosophy which we will get into later—is that you see the drug, crime, and violence problem—or at least I get the impression you do—primarily as a law enforcement problem.

The D.C. Government does not see it that way. We see it as a medical problem. So you will find almost $30 million in our budget for drug treatment. I believe in drug treatment on demand. We're now down to a 2-week waiting period. Most cities are down to 14 weeks. We see recreation as an integral part of our fight against drugs trying to get young people not to be involved by doing wholesome-kind of activities.

We see public housing, and our efforts to upgrade public housing as part of our fight. We see the Fire Department as an integral part of our fight against drugs because they go in and inspect buildings for fire safety and at the same time let us know if they see any drug activities. So we see our fight in the war on drugs as a more comprehensive approach.

We also, since the last appearance before this committee, have had some notable successes. We have closed down Potomac Gardens in terms of the drug market. People can go out and play and the kids can play. We have done the same thing at Eastgate. And we are down significantly in the rate of homicides.

So we believe that this budget, without any additional Federal help at this point, has enabled us to begin to turn the corner on this war on drugs.

There is, probably, a philosophical question as to how many people can you lock up in a community? I happen to think that you ought to arrest all law breakers, but after a point there is—we can get into an argument about this—there is something called a tipping factor where there are more people who have not been arrested than are arrested so arrests no longer become a deterrent.

A SPECIAL COURT TO DEAL WITH CRIME AND DRUGS

But our court system is a bifurcated system. I do not like it. I do not think it is a good way to operate in this city. I wish we had a different way to do it, and I guarantee if I had some control over how we ran our court system—no offense to the U.S. attorney—my priorities would be a little bit different.

I would have a gun court for those who are caught with guns and make sure they get through the system quickly. I support a mandatory 5 year sentence if convicted. I would have a serious felony drug court just for those who are arrested with large amounts of drugs. I would have no plea bargaining and process them through the system quickly. I would push those smaller cases aside that are not causing us the violence. All crime is wrong.

A SOUND FISCAL YEAR 1989 REVISED BUDGET AND FISCAL YEAR 1990 BUDGET REQUEST

But that is where we are, and I think this budget reflects a sound fiscal policy and also a sound financial and program policy. Finally, Mr. Chairman, our citizens are good citizens, but they are reluctant to pay for what they ask for, too. In order for us to add additional police officers, we would have to ask for a tax increase, and thanks to Mr. Wilson and the council, we got it through.

But again, I think we agree with the numbers, Senator Gramm. The way I budget my household or the city, September 30, 1988, was what we actually spent so we used that as the base line. The Federal Government does the same thing. Because we found a need for additional spending in fiscal year 1989 in public safety we revised the fiscal year 1989 budget to reflect almost 75 million dollars' worth of reductions in other agencies.

And you will find additions in the public safety appropriation. What you can do is compare our congressionally approved 1989 budget with our revised request for 1989, and you will find significant increases in public safety and significant decreases in nonpublic safety areas with the exception of human services and public education.

NUMBER OF NEW POLICE OFFICERS

Senator ADAMS. Let me project here so that I have it correct.

As I understand it, in the 1989 budget you were just referring to, and we will just take police officers—and again, I appreciate your budget officers helping me with this—you asked for 300 additional police officers in the supplemental, and the City Council added 200 to make 500 in 1989, is that correct?

Mr. CLARKE. No; not in the supplemental. In the 1989 base we added the 200.

Senator ADAMS. You added 200. So there were 500 in the 1989 base?

Mr. CLARKE. No.

Senator ADAMS. 500—300 and 200?

Mr. CLARKE. Two hundred were added by the council to the 1989 original budget—the current budget—what is denoted in your budget documents as current in 1989.

Senator ADAMS. Right.

Mr. CLARKE. Then in the 1990 request, we added another 300.

Senator ADAMS. Now I was going to get to that. I have not gotten to that, yet. You have 300 and 200, and in the 1990 request there are 300 additional officers requested?

Mr. CLARKE. Yes, sir.

Senator ADAMS. So in 1989 and 1990 you have a total of 800. Is that correct?

Mr. CLARKE. No, sir; 500.

Senator ADAMS. Five hundred. In other words 289—300 requested in 1990?

Mr. CLARKE. Yes.

Senator ADAMS. Sorry, Mr. Mayor——

RETIREMENT OF 118 LIGHT DUTY POLICE OFFICERS

Mayor BARRY. Mr. Chairman, additionally, the Congress last year allowed us to do a one-time retirement of 118 police officers. These are police officers who had been denied retirement by the Retirement Board because they were not fully incapacitated, but they were not fully able to perform duties of law enforcement. They were not able to walk the streets with their gun and a badge and arrest people. So this will give us, really, 618 able-bodied men and women over what we presently have at this particular time.

Senator ADAMS. Run those numbers for me again? You lost 116—116 were retired?

Mayor BARRY. Between now and September 30, we will be able to retire 118 officers who are disabled——

Mr. CLARKE. Correct.

Mayor BARRY. But not disabled enough to retire by the Retirement Board, but not able enough to work full duty as a police officer. There is a trigger in the retirement bill, which the Congress passed in 1978, which says that if more than, I think, 6 percent of the officers retire on disability it decreases the $52 million the Congress allocates to our retirement fund to make up for their mistakes of the past. The Congress did not have any retirement fund at all for our police officers, it was just a pay-as-you-go system.

NONCONTROLLABLE BUDGET COSTS

Also, Mr. Chairman, as we talk about all of these budget numbers, it is important to note—and you all in the Congress find yourselves in the same kind of bind—there are some numbers you cannot control.

Take on debt service. Debt service—that is for our capital borrowing—is $251 million. This is to make up for years of neglect of our schools, our streets, and our roads.

And so we have to pay that. We have no choice. I guess you could default, but nobody wants to do that. An additional payment which we really have not much control over is our contribution to our fine metro system of $114 million.

So, Senator Gramm, if you add those kind of numbers together, you will find that the District government has no control over a significant amount of the budget in terms of discretion. They are fixed costs that even another Mayor or another council would have no control over in terms of how we have to pay our bills and how we have to spend our money. The same is true with our Medicaid budget which is over $200 some million and our AFDC budget.

So I think we have made the priorities fairly clear, and as I have said earlier we are slowly but surely beginning to win this war on drugs and crime.

Senator ADAMS. Senator Fowler—I am sorry—you came in late. Did you wish to make an opening statement or a comment?

Senator FOWLER. No; not at the moment.

Senator ADAMS. All right.

Mayor BARRY. Mr. Chairman?

CLARIFYING THE NUMBER OF NEW POLICE OFFICERS

Senator ADAMS. Go ahead, Mr. Mayor. I am just trying to be certain that I have it clear so that we are following these numbers as they go through. You had 300 police officers, then 200 police officers, then you are asking for 300 more, and 116 are going into retirement so you can replace them. So that is how you get to 618 that can go on the streets?

Mayor BARRY. Yes.

Senator ADAMS. I see.

CONGRESSMAN FAUNTROY'S BILL FOR 700 NEW POLICE OFFICERS

Mayor BARRY. Also, Mr. Chairman, in terms of Congressman Fauntroy's bill to add 700 police officers over a 5-year period to be funded by the Federal Government, there was a meeting on this subject. We agreed that what we would do if the Congress would approve this number with appropriate funding is to take some of the proposed money in the budget that would go for the new 300 police officers and transfer it to training and new facilities. The Fauntroy bill which has now been marked up by the subcommittee and the House District Committee does not provide any moneys for the training, equipment, instructors, and other related activities.

In the end, if this bill goes through the Congress—and I hope it does—the 300 new officers will be offset with the 700 new police officers and I would use the funding from the 300 officers in our budget to put another 100 officers in public housing complexes.

Senator **Adams**. All right now. Have you submitted to the committee the costs associated with that so that this committee will have it so that we are able to examine that request that the time that bill may or may not appear before us?

Mayor **Barry**. Yes; Congressman Fauntroy's subcommittee and the House District Committee have all the numbers. We can get those numbers and share them with you, but——

Senator **Adams**. $48 million is what my staff informs me.

Mayor **Barry**. Primarily, the additional 700 police officers would require from 1990 to 1994 $23 million in fiscal 1990 and in fiscal 1994 $28 million, and if you add it all together, it will cost how much?

Senator **Adams**. What I am trying to establish, Mr. Mayor, is that through the actions that you are testifying to and we will check these figures—we will not take the valuable time in the oral testimony and the questioning and so on—but that you have, basically, from your budget requested 618—and that includes the retired people—to buttress the force that you have. And then if we add the 700 over 5 years, it would be an additional $23 million in fiscal year 1990. And then an amount approximately that amount going ahead—if one of the budget officers wished to speak up, that is fine.

Mayor **Barry**. The total would be $127.3 million over 5 years.

Senator **Adams**. $127.3 million over 5 years.

Mayor **Barry**. Mr. Chairman, if I may also indicate so we will not get confused again, it is the city's position that we will come out with a net of 4,700 police officers, and the question is who funds them.

Senator **Adams**. That will be 4,700 net when this is completed because you have retirements as this is going along?

Mayor **Barry**. Yes; not to confuse, it would be—I have to make sure—4,755 will be the authorized strength that we are asking for. Our view is that the Fauntroy approach, which is a 5-year approach of 700 officers, really is designed to get at this immediate problem of violence and crime and killings.

It is my view and it is the Police Department's view that if we did not have this rash of killings and these open-air drug markets and this crack/cocaine epidemic, the 4,055 police officers that are now authorized would be sufficient to take care of the normal police duties. The council and I agree that we need extra help now during this period. That is why we think the 5-year period is a good period to give us a chance to get this problem under control and then go back to what I would consider some degree of normalcy.

TRAINED POLICE OFFICERS FROM THE FEDERAL GOVERNMENT

Senator **Adams**. Now, I would like to ask you a question on that, and I received yesterday on behalf of the committee copies of letters—because this was discussed at the last hearing—of requests to the existing Federal agencies to supply you with trained officers. I believe there was the Capitol Police, the Park Police, the Uniformed Division at Secret Service.

Have you received any reply from any of the them?

Mayor **Barry**. Not yet, Mr. Chairman. We asked for 250 police officers from the U.S. Capitol Police, 250 from the Uniformed Secret Service, and 250 from the U.S. Park Service. Again, emphasizing the fact that, I think, Senator Fowler made, we need manpower/womanpower on the streets right now. Even if the Senate were to approve the Fauntroy bill or the House would approve it, we obviously would not have 700 police officers——

Senator **Adams**. Obviously not. That is why I asked at this point.

Mayor **Barry**. We have not yet received a reply yet. We are going to ask this committee to—certainly with the Capitol Police—assist us in these negotiations. I get the impression that nobody wants to give up anything.

Senator **Adams**. Well, I will poll the members of the committee, but I can tell you that the chairman is prepared to send a letter in support of your requests, and we will discuss it with other members.

Mayor **Barry**. And this is for a 6-month period to give us some additional personnel on the streets, and give us a chance to work even more than we have done now, to reduce these open-air drug markets.

Senator **Adams**. Well, on April 21, I wrote all of these various people indicating that you intended to write to them and request additional assistance, and you have now written—and as I say the committee is prepared to—at least the chairman is prepared—to assist in this, so I would hope that you or the appropriate authorities within the District would keep the committee informed so that we may contact these various groups.

NO ASSISTANCE FROM MR. BENNETT, THE DRUG CZAR

Because one thing is concerning me, Mr. Mayor. You may want to address it now or you may want to address it later. I hear a lot of talk about how people are going to help, and I have been out to some other cities beside this city. I want to know. Have you gotten any money yet from Mr. Bennett?

Mayor **Barry**. Mr. Chairman, let me ask Ms. Thompson. She has been the lead person on this in negotiating this——

Senator **Adams**. Or either money, people, or in kind. I just want to know because I agree completely with what Senator Gramm said. We do a lot of talk here, but people are measured more by——

Mayor **Barry**. What they do.

Senator **Adams**. What physically happens, and we are being pretty hard on you on what you are doing with these other departments, and I can understand that everybody hates to see the money cut. But I just want to know whether or not there is any flow of personnel, money—just tell me what is happening?

Ms. **Thompson**. At this point there has not been any flow of money or personnel. We have had quite a few meetings. We are in the process of trying to develop a plan. A lot of what we are talking to the Federal agencies about is discretionary money that the District, before Mr. Bennett's response, had already applied for.

But there has not been any assistance coming from the Federal Government yet.

Senator ADAMS. What about from the National Guard?

Ms. THOMPSON. Not at this point. The proposal that we sent is still under consideration.

Senator ADAMS. I thought some place I read that four or five States had received it, and the District had applied—physically have they got any helicopters with those big lights flying over the city?

Ms. THOMPSON. No; we submitted our proposal before many of the States. As you said, many States had received assistance, but the District has not.

Senator ADAMS. OK.

Mayor BARRY. The bottom line, Mr. Chairman, is that since April 10, or whatever the date was of the proposal from the Federal Government, Ms. Thompson has been our lead person and I guess I will just reinforce it. We have not gotten any money or person power to assist us.

Senator ADAMS. So what is on the streets right now is what——

Mayor BARRY. Our people.

Senator ADAMS. Your people. All right.

Thank you very much, Ms. Thompson. I am just trying to keep track of words and acts here.

Go ahead, Mr. Mayor, I did not mean to interrupt you——

Mayor BARRY. Mr. Chairman, we have covered——

Senator ADAMS. I am sorry Senator Gramm and Senator Fowler I had interrupted, and I do not mean not to follow an orderly procedure, and, therefore, would you please indicate if you wish to break in at any point?

OPENING REMARKS OF SENATOR FOWLER

Senator FOWLER. If I may, Mr. Chairman, since we are sort of——

Senator ADAMS. I do not just want to freewheel, but we have focused on the Police Department, and it seems to me——

Senator FOWLER. We will just freewheel. We are not going to free-base.

Senator ADAMS. Yes.

Senator FOWLER. If I may, I am going to let the Mayor off the hook here for a minute. I want to talk to Mr. Clarke.

Senator ADAMS. Mr. Clarke has not had the chance to testify yet. Do you want to wait until he testifies or do you want to take him on right now?

Senator FOWLER. No; I want to continue in discussion that we have had. I will try to be relevant and quick, but we might as well bring him in.

Mr. Clarke, welcome. I read your testimony since I have been here this morning, and since I am trying to make this relevant, as a former city council president I know it is very difficult to speak for the entire council, but in light of what the Mayor was just saying in the request of $23 million—is that what we agreed upon for the additional police officers—the request is $23 million of our participation?

Mayor **Barry**. It is $23.1 million for fiscal year 1990. For each year thereafter it is $23.4 million for fiscal year 1991; $25.2 million for fiscal year 1992; $27.3 million for fiscal year 1993; $28.4 million for fiscal year 1994; and $28.4 million for fiscal year 1995.

Senator **Fowler**. I just have to ask this question and get it out in light of the discussion begun by Senator Gramm. If you were in our position, and we were sitting there as members of the council, what do you say to the fact that you are going to ask us for $23 million and millions on down the road when the council has this year rejected a $46 million tax increase. I also understand you rejected the Mayor's proposal on employee furloughs that would save another $14 million to put into this effort.

Why should the Federal Government do what the representatives of the District of Columbia will not do for themselves?

Mr. **Clarke**. Did you say we rejected a tax increase?

Senator **Fowler**. I am just reading your testimony.

Mr. **Clarke**. No; I believe that what you are reading is part of my testimony where I spoke of the 200 officers that we added in 1989. In 1989, when we added those officers, we added those officers by making base changes in the budget. I was addressing that testimony particularly to concerns that I had heard Senator Gramm raise in other hearings in which I had discussed with him personally in his office that some of the increases ought to come—for public safety—from within the District of Columbia itself.

Senator **Fowler**. Well, in this sentence—and correct me because I may have taken it out of context—you talk about the 200 additional police officers, but then you say this was done at the same time the council rejected a requested tax increase of $46.7 million.

Mr. **Clarke**. That is true. And that was done in last year's budget. That is speaking of last year—that is speaking of the action that was before you last year for the budget that we are in this current year. That increase was made by savings within the D.C. government budget.

In other words, in fiscal year 1989 when the Mayor came to us, he asked for that level of tax increase. We not only said "no" to that level of tax increase, we said "yes" to an increase in police officers, and were able to fund that increase by movements within the budget.

Similarly, in fiscal year 1990 for the 1990 budget, the increases for the 300 police officers were funded through the committee process in the council of the District of Columbia prior to ever getting to the level of a tax increase. It was done by savings in other levels of the budget.

Senator **Fowler**. How much?

Mr. **Clarke**. $10 million for those 300 police officers.

For instance, we told the Mayor to cut back borrowing for fiscal year 1990 by 10 percent. We told him to keep the early-out positions for which people were leaving—keep them vacant for another quarter of the year. We told him to institute a hiring freeze and increase the salary lapse. We were able to fund those positions through those kinds of cost-saving measures in the government.

Later in the council process, the council did agree to a tax increase. And you are correct to indicate that sometimes it is difficult for the chairman of the council to speak for the whole council because I did not agree with all of that. But nevertheless, I am here to present that.

Most of that tax increase was for the purposes of a larger increase in education—$20 million increase in education—a large increase in retirement, and property tax relief for a lowering of the homeowner property tax rate to adjust for the high-level assessment increase.

The public safety portion of the 1990 budget and the public safety portion of the 1989 budget were all funded by adjustments within the budget itself to pay for those costs.

Senator ADAMS. Now, Mr. Mayor, so that we can move ahead here, because I do want—we are going to come back to these questions, but I wanted to give you an opportunity and then I will turn to the chairman of the council to complete your presentation because we know there are many things, and we will take it either in writing or orally so that we have the first presentation. The chairman will call another hearing as is necessary so that we may fill in any questions before we get to markup.

NO GROWTH IN THE FEDERAL PAYMENT

Mayor BARRY. Mr. Chairman, also let me just speak briefly to the question that Senator Fowler asked.

The reason, I think, the city government can feel comfortable asking the Congress for additional money has to do with the Federal payment. The Federal payment is a payment in lieu of taxes. The Federal Government owns and controls 55 percent of the taxable land in this city. We receive no taxes for this land. We certainly receive benefits from the Federal Government here. We welcome them. We want them here. We are not interested in money anywhere else.

But the Federal payment has remained flat for 5 years, which means that the Federal payment, Senator Fowler and Senator Gramm—and Senator Gramm is our economic expert here—if it had grown by just the regular cost of living increase the Federal payment would be $100 million more than it is now. That is why I feel comfortable asking the Federal Government for additional resources in the area of public safety.

If we have the additional $100 million that we deserve from the Federal payment to cure inflationary growth, I would not be asking this committee for any additional money.

Mr. Chairman and members of the committee, all five members of the committee are new to this assignment. Senator Adams is certainly not new to the District. Senator Fowler comes from an urban area. He understands these things. Senator Gramm has a number of urban areas in Texas, and the same is true about Senator Kerrey and Senator Domenici. Senator Adams, you led the fight out on the floor of the House. We know that, so you are very familiar with that. I think if you sit in our position you would see things a little bit differently.

UNIQUENESS AND COMPLEXITY OF THE DISTRICT

But let me just give you an overview that the District is unique and is complex. We perform State, county, and local city functions that we have talked about. We are strictly an urban area with all of the attendent problems.

We are 17 percent of the population of this region, yet 7 or 8 percent of the public housing is in Washington; 80 percent of the homeless are in Washington; a disproportionate share of poverty. Seniors make up 18 percent of our population, which we are very proud of, but they are not income-producing in the same sense as younger people. Fairfax County has about 6 percent of its population which are seniors. We have 75 percent of all the AFDC recipients in this region in Washington, DC.

So we have a special need to deliver social services such as Medicare and day care, aid to families with dependent children, as well as the State level collection system. And some of us, I guess, take the management of the D.C. government for granted. I do not. It is one of the most difficult jobs, I think, in America. I am not complaining. I like it. It must be a good job because there are so many people trying to get it next year. [Laughter.]

If I'm around, I don't think that's going to happen. But it is a tough job. This is my 10th year as Mayor of our great city. Mr. Chairman and members of the committee, the history is important. The most vivid memory of my first year in office in the District was a situation where I did not know how much money we had in the bank. Books could not be audited. Arthur Anderson tried to. We did not have a budget system that worked.

All this happened when Congress controlled our city. We had amassed billions of dollars in high-interest debt to the U.S. Treasury. We had a deficit of $378 million, which was inherited from the Federal Government.

But since those early days, we are very happy to report to you, the committee, and the community that we have made tremendous strides in our budget and in financing. We know where our money is being spent. That is why we are able to tell you what the actual spending is for each agency in 1988. We balanced our budget in 7 of 8 years.

We also have received the certificate of excellence of financial management from the Government Finance Office Association. Only four other States in the Nation had received that certificate. We have had it for 7 years in a row because they appreciate our excellent way of budgeting. Now we have budget problems but not a budget crisis.

Also, Mr. Chairman, we have tried to save the taxpayers in Washington by entering the bond market in 1984. I was naive in that I thought the Federal Government was doing us a favor by lending us money from the U.S. Treasury. But what I found out, Senator Gramm, was that they borrowed the money somewhere else, marked it up 2 percent and lent it to us, which is not a good way to do business.

We went to the bond market ourselves in 1984. It was good for the Federal Government, I guess, but not for the District. We went to the bond market in 1984, refinanced $1.2 billion of U.S. Treasury debt saving the taxpayers over $852 million in interest payments alone, again, demonstrating our commitment to sound financial management, our commitment to trying to save the taxpayers money.

We also have received our Standard & Poors A rating, and I say all this to say that notwithstanding what you may read in the newspapers or what people may say, our budgeting process is in good shape. The council has increasingly got more information about where we are spending our money. Every month, each agency prepares a report on what it has spent the month before and the projected spending for the next month and the rest of the fiscal year. That is why we ought to be able to try to balance and keep our budgets in balance.

We have gone through some of the priorities that you may find on pages 4 and 5 of our prepared statement. We believe that we have tried to make some very difficult decisions in terms of priorities. We have also tried to look at the forecast for the next 5 years to see what our projected spending may be.

We have experienced a downtown boom thanks to the policies and the bureaucratic redtape we have cut through which was made by commercial development to have supported a large portion of this budget. But as you probably know that is declining because the land is fast being used, so we do not have as much downtown as we once had.

QUESTIONS RAISED ABOUT THE SIZE OF THE GOVERNMENT

Also, Mr. Chairman, there has been some questions about the size of the D.C. government. Let me just say and urge the committee and the committee staff not to compare the D.C. government with anything else. There is just nothing else like it in the country. There is no State, no county, no city that you can compare the District with. Now there are some areas that you can compare. You could take police officers and take the number of citizens here and divide it by the number of police officers and get a per capita number.

But again, that may be misleading because even our police officers patrol our interstate highways, which is not what happens in most of our urban cities. That is usually controlled by the sheriff's department or the State highway patrol.

We, as you know, have a significant number of demonstrations here, and every time the President moves, that takes up another 100 or so of our officers, and he moves quite frequently through the city. So again there is no comparison.

Also, I think, when you look at our poverty rate, you find that we are unusually high because we are restricted by our boundaries. We cannot annex property, and we cannot level off property as the citizens of Dallas or Seattle, Washington can do. So our Medicaid budget is among one of the high cost items but we have to take care of our health.

The rest of my statement speaks for itself. I have said a lot on the side, and I know you want to pay attention to all the details of this budget, but I think in terms of the numbers that we could either discuss them with the staffs and make sure we are talking about the same numbers. I get the impression that the committee does not want to do micromanagement of the D.C. government. You want to do the broad policy-kind of analysis and see what it is we want to do in a broad base as opposed to every little nickel and dime that goes here, recognizing those nickels and dimes add up to dollars and dollars and dollars.

But we have tried to be responsible and responsive. We continue to be vigilant in trying to control the size of our labor force.

Let me just say that in 1975 we had 42,040 appropriated positions. In the 1990 budget being presented to you today, our request is for 38,762 authorized positions, a cumulative net reduction of 3,228. And that reduction was achieved even with the addition of 3,000 employees resulting from the transfer of St. Elizabeths Hospital to the District.

As those persons talk about the size of the D.C. government, I ask them the question, "What positions would you cut out? Do you cut out those housing inspectors who inspect some dilapidated property around town? Do you cut out restaurant inspectors who have had to make sure our restaurants are clean? Do you cut out our firefighters? Do you cut back on ambulance drivers? Do you cut back on school teachers?"

When you look at our budget you will find that it is, I think, a budget that reflects the realities of Washington, both programmatically and financially. Without getting into what the Federal Government does, we think we control our spending a lot more than the Federal Government does in terms of trying to have a balanced budget.

PREPARED STATEMENT OF MAYOR BARRY

I guess I will stop at this point, and maybe Mr. Clarke can make his statement or you can ask me some questions.

[The statement follows:]

STATEMENT OF MARION BARRY, JR.

I AM PLEASED TO HAVE THIS OPPORTUNITY TO APPEAR BEFORE YOU TODAY TO PRESENT THE REVISED FISCAL YEAR 1989 AND FISCAL YEAR 1990 BUDGETS FOR THE DISTRICT OF COLUMBIA. THIS IS MY THIRD APPEARANCE BEFORE THE SUBCOMMITTEE WITHIN THE PAST MONTH; CONSEQUENTLY, MY TESTIMONY TODAY WILL REFLECT, IN PART, COMMENTS THAT I MADE DURING THOSE APPEARANCES.

THE DISTRICT IS A UNIQUE AND COMPLEX ENTITY. WE PERFORM STATE, COUNTY, AND MUNICIPAL FUNCTIONS. WE ARE A STRICTLY URBAN AREA, WITH ALL ITS ATTENDANT PROBLEMS, INCLUDING CRIME, DRUGS, AND AN INCREASING POVERTY RATE. THE FINANCES OF THE DISTRICT, HOWEVER, ARE MORE AKIN TO THOSE OF A FORTUNE 500 CORPORATION THAN TO YOUR AVERAGE CITY.

I AM THE ONLY MAYOR IN THIS NATION WHO HAS AN ENTIRE EDUCATION SYSTEM -- PRIMARY, SECONDARY, AND THE UNIVERSITY LEVEL -- SUBMITTING THEIR BUDGETS TO THE MAYOR. MY JOB AS MAYOR IS NOT A CEREMONIAL ONE AS I OVERSEE THE FINANCES OF NEARLY 90 AGENCIES AND THE OPERATION OF NEARLY 3,000 PROGRAMS. I AM RESPONSIBLE FOR THE DELIVERY OF STATE-LEVEL PROGRAMS AND SERVICES SUCH AS MEDICARE, DAY CARE, AND AID TO FAMILIES WITH DEPENDENT CHILDREN, AS WELL AS A STATE-LEVEL CORRECTIONAL SYSTEM.

MANY IN THE COMMUNITY AND IN CONGRESS TAKE THE COMPLEXITIES ASSOCIATED WITH THE MANAGEMENT OF THE DISTRICT GOVERNMENT AND ITS BUDGET PROCESS FOR GRANTED. HOWEVER, WE SHOULDN'T. THIS YEAR MARKS MY TENTH YEAR AS MAYOR OF THIS GREAT CITY. THE MOST VIVID MEMORY I HAVE OF MY FIRST YEAR IN OFFICE IS THE DISORDER WE FOUND. NO ONE COULD TELL US HOW MUCH MONEY WAS IN THE BANK. NO ONE KNEW HOW MANY PEOPLE WERE ON THE PAYROLL OR WHAT THE SOURCE OF FUNDING WAS FOR MANY OF OUR PROGRAMS. WE HAD AMASSED BILLIONS OF DOLLARS IN HIGH-INTEREST DEBT TO THE U.S. TREASURY. THE CITY'S BOOKS COULD NOT BE AUDITED. WHEN WE FINALLY BEGAN TO MAKE SENSE OF THE CITY'S FINANCES, WE DISCOVERED WE HAD INHERITED A $378 MILLION DEFICIT.

SINCE THOSE EARLY DAYS, WE HAVE MADE TREMENDOUS STRIDES IN ACCOUNTING, BUDGETING, AND FINANCIAL CONTROL. WE HAVE IMPLEMENTED THE FINANCIAL MANAGEMENT SYSTEM. WE HAVE OPERATED OUR FINANCES UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND USED AN ACCRUAL-BASED ACCOUNTING SYSTEM. FOR THE PAST EIGHT FISCAL YEARS, WE HAVE HAD TIMELY AUDITS OF OUR BOOKS AND HAVE RECEIVED THE CERTIFICATE OF EXCELLENCE IN FINANCIAL REPORTING FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION. WE HAVE A STRONG FINANCIAL TEAM--I THINK ONE OF THE BEST IN THE COUNTRY--WHO HAVE DONE AN OUTSTANDING JOB.

THE STRONG FINANCIAL MANAGEMENT THAT FOSTERED A SOUND DISTRICT ECONOMY ALLOWED US TO ENTER THE BOND MARKET IN 1984. THIS MOVE ENABLED US TO FINANCE OUR LONG- AND SHORT-TERM BORROWING NEEDS IN THE MARKET AT SUBSTANTIAL SAVINGS TO THE TAXPAYER. SINCE THAT TIME, WE HAVE REFINANCED $1.2 BILLION OF U.S. TREASURY DEBT, SAVING THE TAXPAYER OVER $852 MILLION IN DEBT SERVICE COSTS. WE CONTINUE TO RECEIVE THE HIGHEST RATING ON OUR SHORT-TERM NOTES, AND A LITTLE OVER ONE MONTH AGO, STANDARD & POOR'S GAVE US A CLEAN BILL OF HEALTH AND REAFFIRMED OUR "A" RATING ON OUR GENERAL OBLIGATIONS BONDS.

MORE IMPORTANT, FOR SEVEN OF THE LAST EIGHT YEARS, WE HAVE ENDED THE YEAR WITH REVENUES IN EXCESS OF EXPENDITURES, ALLOWING US TO RETIRE $173 MILLION, OR 42 PERCENT, OF OUR INHERITED DEFICIT. UNFORTUNATELY, WE ENDED FISCAL YEAR 1988 WITH A SMALL ONE-HALF OF ONE PERCENT DEFICIT AMOUNTING TO $14.3 MILLION. WHILE ANY DEFICIT, NO MATTER HOW SMALL, IS UNACCEPTABLE, THE PRIMARY CAUSE OF THIS DEFICIT RESULTED FROM TAX COLLECTIONS COMING IN BELOW ESTIMATES.

MANY OF YOU IN CONGRESS WILL RECOGNIZE THAT LOWER-THAN-ANTICIPATED TAX REVENUES HAVE BEEN A PERVASIVE FALLOUT OF THE COUNTRY'S FIRST MAJOR OVERHAUL OF OUR FEDERAL TAX CODE IN NEARLY 55 YEARS--THE TAX REFORM ACT OF 1986. THE EFFECTS OF THE PROVISIONS OF THIS LAW DEALING WITH RETAIL SALES AND CORPORATION TAXES HAVE HAD AN ADVERSE EFFECT ON SALES AND CORPORATE FRANCHISE TAXES NATIONWIDE, PARTICULARLY IN THE NORTHEAST CORRIDOR. MOREOVER, UNPRECEDENTED SPENDING PRESSURES ON OUR HUMAN SERVICES AND PUBLIC SAFETY PROGRAMS CONTRIBUTED TO OUR DEFICIT.

THE SAME CIRCUMSTANCES THAT MADE FISCAL YEAR 1988 A DIFFICULT YEAR FACED US WHEN WE BEGAN WORK ON OUR REVISED FISCAL YEAR 1989 AND 1990 BUDGETS. IN PARING OUR NEEDS TO THE SIZE OF OUR RESOURCES, I HAD TO CHOOSE AMONG GOOD PROGRAMS AND OTHER GOOD PROGRAMS. SENIOR MANAGERS AND PROGRAM MANAGERS HAD TO COMPETE FOR THE LIMITED RESOURCES BUT WE WORKED TOGETHER TO MAKE THE HARD CHOICES OF REALLOCATING RESOURCES TO THE HIGHER PRIORITIES OF PUBLIC SAFETY, EDUCATION, AND HUMAN SUPPORT NEEDS. IN FACT, I SPENT A LOT OF MY PERSONAL TIME ON THIS BUDGET. BUT THIS IS NOT UNIQUE TO THE DISTRICT AS OTHER CITIES AROUND THE COUNTRY ARE SUFFERING SERIOUS BUDGET CRUNCHES AND HAVE HAD TO MAKE THE HARD CHOICES.

HOWEVER, THE DISTRICT OF COLUMBIA GOVERNMENT IS AMONG THE MOST, IF NOT THE MOST, GENEROUS AND INNOVATIVE GOVERNMENTS IN THIS NATION. WE SPEND MORE OF OUR OWN RESOURCES ON SOCIAL AND ECONOMIC PROGRAMS THAT BUILD AND STRENGTHEN THE BRIDGES FROM DEPENDENCY TO SELF-SUFFICIENCY THAN ANY OTHER LOCAL OR STATE GOVERNMENT. THE DISTRICT'S POPULATION IS A DIVERSE MIXTURE OF CULTURES. WE ARE PROUD OF THIS MIX BUT WE HAVE A DISPROPORTIONATE AMOUNT OF POVERTY IN THE DISTRICT WHICH IMPACTS ON OUR RESOURCES.

BUT EVEN A GENEROUS, PROGRESSIVE, COMPASSIONATE GOVERNMENT HAS TO PAY ITS BILLS. WHILE WE REMAIN A MOST GENEROUS GOVERNMENT, IT IS A BITTER IRONY THAT THE MAJOR ELEMENTS IN REALLOCATING OUR RESOURCES TO PUBLIC SAFETY, EDUCATION AND HUMAN SUPPORT SERVICES HAVE MEANT REDUCTIONS IN MANY PROGRAMS AND SERVICES THAT I FOUGHT HARD TO INSTITUTE AND FUND. HOWEVER, THESE PAINFUL CHOICES CLEARLY DEMONSTRATE WHAT IS THE CONTINUING HALLMARK OF THE BARRY ADMINISTRATION--AN UNSWERVING COMMITMENT TO SOUND FINANCIAL MANAGEMENT, UPHOLDING THE PUBLIC TRUST AND FERRETTING OUT EMPLOYEES WHO ABUSE THE SYSTEM, WHILE AT THE SAME TIME PROTECTING THE HEALTH, SAFETY, AND WELFARE OF THOSE WHO LIVE, WORK, VISIT, AND DO BUSINESS IN OUR GREAT CITY.

REALLOCATION OF DISTRICT RESOURCES TO FIGHT THE WAR ON DRUGS

BOTH THE REVISED FISCAL YEAR 1989 BUDGET AND THE PROPOSED FISCAL YEAR 1990 BUDGET REFLECT A WIDE-RANGING REALLOCATION OF THE CITY'S SCARCE RESOURCES. AND WHILE THOSE TWO BUDGETS REPRESENT SEPARATE APPROPRIATION REQUESTS, THEY ARE, FROM A PROGRAMMATIC AND FISCAL PERSPECTIVE, INEXTRICABLY LINKED. THUS, THEY PROVIDE FOR THE CITY AN INCLUSIVE, COHERENT TWO-YEAR PLAN FOR ADDRESSING THE CITY'S WAR ON DRUGS AND OTHER CRITICAL REQUIREMENTS. NOTABLY, THIS RESOURCE REALLOCATION REFLECTS NOT ONLY THE SHIFTING OF RESOURCES THAT ARE BEING MADE AVAILABLE THROUGH BUDGETARY RESCISSIONS, BUT IT ALSO REFLECTS A DECIDED SHIFT IN ALLOCATING THE CITY'S MODEST GROWTH IN FISCAL YEAR 1990 REVENUE.

REVISED FISCAL YEAR 1989 BUDGET RESCISSIONS

TO EFFECT THIS OVERALL REALLOCATION OF RESOURCES, $78.9 MILLION HAS BEEN CUT FROM THE APPROVED FISCAL YEAR 1989 BUDGET, WITH ACROSS-THE-BOARD RESCISSIONS AMOUNTING TO $22.4 MILLION OF THOSE REDUCTIONS. THE REMAINING $56.5 MILLION HAS BEEN PAINFULLY REDUCED THROUGH MAJOR RESIZING EFFORTS THAT HAVE LEFT SOME AGENCIES AT SPENDING LEVELS BELOW THOSE EXPERIENCED IN FISCAL YEAR 1988.

THE DEPARTMENT OF PUBLIC WORKS, SEVERAL AGENCIES IN THE GOVERNMENTAL DIRECTION AND SUPPORT TITLE, LOANS AND INTEREST, THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS, THE DEPARTMENT OF EMPLOYMENT SERVICES, THE DEPARTMENT OF RECREATION, AND THE UNIVERSITY OF THE DISTRICT OF COLUMBIA HAVE ALL TAKEN BUDGETARY REDUCTIONS IN THE REVISED FISCAL YEAR 1989 BUDGET.

INDEED, NEARLY 70 PERCENT OF ALL AGENCIES WILL TAKE REDUCTIONS IN THE REVISED FISCAL YEAR 1989 BUDGET WHEN COMPARED WITH THE APPROVED FISCAL YEAR 1989 BUDGET. FURTHER, ABOUT 20 PERCENT OF ALL AGENCIES WILL SPEND LESS IN THE REVISED FISCAL YEAR 1989 BUDGET WHEN COMPARED WITH ACTUAL EXPENDITURES IN FISCAL YEAR 1988.

FISCAL YEAR 1990 BASE REDUCTIONS

IN A DETERMINED EFFORT TO SUSTAIN THE RESOURCE REALLOCATIONS MADE IN THE REVISED FISCAL YEAR 1989 BUDGET, THE PROPOSED FISCAL YEAR 1990 BUDGET INCORPORATES THOSE KEY FUNDING DECREASES. THE FISCAL YEAR 1990 BUDGET, WHEN COMPARED WITH THE CONGRESSIONALLY APPROVED FISCAL YEAR 1989 BUDGET, REDUCES SPENDING IN NEARLY HALF OF ALL AGENCIES AND LIMITS MOST AGENCIES ONLY TO THOSE INCREASES NEEDED TO COVER NEGOTIATED PAY REQUIREMENTS.

AGENCIES IN PERSONNEL, ADMINISTRATION, FINANCE, AND OTHER GOVERNMENTAL SUPPORT AREAS HAVE BEEN HIT THE HARDEST. DESPITE INCREASES FOR NEGOTIATED PAY SETTLEMENTS IN FISCAL YEARS 1989 AND 1990, THOSE AGENCIES--ALL OF WHICH ARE LABOR INTENSIVE--WILL ACTUALLY EXPERIENCE NEGATIVE BUDGETARY GROWTH IN THE COMBINED PERIODS.

MOREOVER, WHEN VIEWED FROM A TWO-YEAR PERSPECTIVE (THAT IS, FISCAL YEAR 1988 ACTUAL EXPENDITURES COMPARED WITH FISCAL YEAR 1990 PROPOSED EXPENDITURES), WHICH IS THE TIME FRAME OF THE BUDGET REQUESTS NOW BEFORE YOU, THE REALLOCATION OF RESOURCES IS EQUALLY DRAMATIC. IN THE GOVERNMENTAL DIRECTION AND SUPPORT APPROPRIATION TITLE, FOR EXAMPLE, THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND THE OFFICES OF PERSONNEL, SECRETARY, AND INTERGOVERNMENTAL RELATIONS--AS WELL AS MY OWN OFFICE--WILL HAVE SIGNIFICANTLY SMALLER FISCAL YEAR 1990 BUDGETS THAN THEIR ACTUAL FISCAL YEAR 1988 SPENDING.

OTHER AGENCIES BEING REDUCED SUBSTANTIALLY BELOW FISCAL YEAR 1988 ACTUAL LEVELS INCLUDE THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS, THE DEPARTMENT OF PUBLIC WORKS, AND THE HOUSING FINANCE AGENCY.

THE DISTRICT'S PUBLIC SAFETY PRIORITIES

WITH THE DISTRICT'S FISCAL YEAR 1990 BUDGET, FUNDING FOR THE PUBLIC SAFETY AND JUSTICE APPROPRIATION TITLE WILL CONSUME--FOR THE FIRST TIME--THE LARGEST SHARE OF OUR RESOURCES. MUCH OF THE SAVINGS FROM OTHER AREAS OF THE BUDGET HAVE BEEN REDIRECTED TO FIGHT THE WAR ON DRUGS AND STRENGTHEN THE CRIMINAL JUSTICE SYSTEM. THE OVERALL INCREASE FROM FISCAL YEAR 1988 TO FISCAL YEAR

1990 FOR THIS APPROPRIATION TITLE IS $123.1 MILLION DOLLARS, OR 17.3 PERCENT, CLEARLY UNDERSCORING THE CITY'S COMMITMENT TO PROVIDE FOR PUBLIC SAFETY.

FROM THE FISCAL YEAR 1988 SPENDING LEVEL TO THE FISCAL YEAR 1990 PROPOSED BUDGET, FUNDING FOR THE METROPOLITAN POLICE DEPARTMENT WILL INCREASE BY $34.7 MILLION, OR 17.6 PERCENT. THE FISCAL YEAR 1990 REQUEST WILL ADD 300 NEW OFFICERS TO THE 200 NEW OFFICERS AUTHORIZED IN THE FISCAL YEAR 1989 CONGRESSIONALLY APPROVED BUDGET. THUS, WITH THE REPLACEMENT OF 118 POLICE OFFICERS WHOSE DISABILITY RETIREMENTS HAVE BEEN ACCELERATED, THE CITY IS PROVIDING 618 NEW POLICE OFFICERS OVER THE TWO-YEAR PERIOD TO FIGHT THE DISTRICT'S STREET-LEVEL WAR ON DRUGS.

OVER THE SAME PERIOD, APPROXIMATELY $13.8 MILLION, AN INCREASE OF 18.4 PERCENT, IS BEING ADDED TO THE BUDGETS OF THE COURTS TO ENABLE THEM TO BETTER RESPOND TO THE CRIMINAL CASELOAD GENERATED BY THE CITY'S WAR ON DRUGS. MOST OF THAT INCREASE IS DEVOTED TO THE SUPERIOR COURT, WHICH HAS ADOPTED AN ACCELERATED FELONY CALENDAR TO ENSURE THAT IT CAN ADDRESS PREVENTIVE DETENTION CASES WITHIN THE STATUTORY LIMITS. SINCE 70 PERCENT OF CRIMINAL DEFENDANTS IN THE SUPERIOR COURT TEST POSITIVE FOR DRUGS, VIRTUALLY ALL FELONY COURTROOMS ARE ADDRESSING THE PRODUCTS OF THE DISTRICT'S WAR ON DRUGS.

FUNDING FOR THE DEPARTMENT OF CORRECTIONS WILL ALSO INCREASE SIGNIFICANTLY. NEARLY $33.0 MILLION, A 16.9 PERCENT INCREASE, WILL BE ADDED TO THAT DEPARTMENT'S BUDGET IN THE REVISED FISCAL YEAR 1989 AND THE PROPOSED FISCAL YEAR 1990 BUDGETS. VIRTUALLY ALL THE INCREASES IN THE DEPARTMENT OF CORRECTIONS ARE ASSOCIATED WITH THE BURGEONING PRISON POPULATION RESULTING FROM DRUG ARRESTS AND PROSECUTIONS.

FURTHER, IN REGARD TO THE DEPARTMENT OF CORRECTIONS, THE DISTRICT'S CAPITAL BUDGET PROPOSALS ASK FOR MAJOR INCREASES FOR CONSTRUCTION PROJECTS AT THE DISTRICT'S CORRECTIONAL FACILITY AT LORTON, VIRGINIA, AS WELL AS THOSE DEPARTMENTAL FACILITIES LOCATED IN THE DISTRICT OF COLUMBIA. OF THE $260.0 MILLION IN NEW CAPITAL AUTHORITY REQUESTED IN THE COMBINED REVISED FISCAL

YEAR 1989 AND THE PROPOSED FISCAL YEAR 1990 BUDGETS, 58 PERCENT, OR $150.0 MILLION, IS TARGETED ON NEW PRISON CONSTRUCTION AND MAJOR IMPROVEMENTS IN EXISTING FACILITIES.

OPERATING BUDGET FUNDING FOR THE BOARD OF PAROLE, PUBLIC DEFENDER SERVICE, AND PRETRIAL SERVICES AGENCY WILL ALSO INCREASE BETWEEN FISCAL YEAR 1988 AND FISCAL YEAR 1990. THE BOARD OF PAROLE WILL GROW BY 40.5 PERCENT, WITH AN INCREASE OF $1.6 MILLION; THE PUBLIC DEFENDER SERVICE WILL GROW BY 34.2 PERCENT, WITH AN INCREASE OF $1.8 MILLION; AND THE PRETRIAL SERVICES AGENCY WILL GROW BY 28.3 PERCENT, WITH AN INCREASE OF $689,000.

IN CONTRAST TO THE ABOVE PROPOSED PUBLIC SAFETY INCREASES, THE INCREASES FOR NON-PUBLIC SAFETY AGENCIES AMOUNT TO JUST 11.9 PERCENT OVER THE SAME PERIOD. THE OVERALL SHIFT IN THIS GOVERNMENT'S BUDGETARY PRIORITIES IS CLEARLY EVIDENT.

OTHER DISTRICT SUBSTANCE-ABUSE PREVENTION PROGRAMS

WHILE I HAVE ADDRESSED IN SOME DETAIL OUR EXPANDING PUBLIC SAFETY AGENCY FUNDING, I WANT TO EMPHASIZE TO THIS SUBCOMMITTEE THAT THE RESPONSE TO THE VIOLENCE ASSOCIATED WITH DRUG ABUSE IN THE DISTRICT OF COLUMBIA IS NOT LIMITED TO ARREST AND INCARCERATION ALONE. RATHER, THE DISTRICT'S APPROACH IS A COMPREHENSIVE ONE THAT RECOGNIZES PREVENTION AND TREATMENT AS MAJOR PARTNERS IN OUR WAR AGAINST DRUGS. LET ME HIGHLIGHT SOME OF THOSE PROGRAMS.

OUR MAJOR PREVENTION AND TREATMENT EFFORTS ARE TARGETED ON THOSE RESIDENTIAL AREAS OF THE DISTRICT IN WHICH DRUG ABUSE AND DRUG-RELATED VIOLENCE ARE MOST PREVALENT. WE HAVE DEVELOPED PROGRAMS IN THE DEPARTMENT OF RECREATION, THE DEPARTMENT OF EMPLOYMENT SERVICES, THE DEPARTMENT OF PUBLIC AND ASSISTED HOUSING, AND THE DEPARTMENT OF HUMAN SERVICES TO PROVIDE THE KINDS OF SUPPORTIVE SERVICES THAT WE BELIEVE ARE NECESSARY TO COMPLEMENT OUR LAW ENFORCEMENT EFFORTS.

THOSE PROGRAMS INCLUDE YOUTH EMPLOYMENT INITIATIVES; PROJECT OSAY (OPERATING SERVICES ASSISTING YOUTH, FOCUSING ON YOUTHS AND THEIR FAMILIES IN PUBLIC HOUSING PROJECTS); STUDENT TUTORIAL PROGRAMS; PARENT SUPPORT-GROUP TRAINING; DRUG-ABUSE SCREENING; AND TARGETED EDUCATIONAL AND COUNSELING PROGRAMS, JUST TO CITE A FEW ACTIVITIES.

THE DEPARTMENT OF HUMAN SERVICES IS EXPANDING ITS DRUG TREATMENT PROGRAMS AND WILL OPEN TWO NEW TREATMENT CENTERS IN WARDS 7 AND 8, MAKING A TOTAL OF 22 OUTPATIENT CLINICS AND 7 RESIDENTIAL TREATMENT CLINICS CONCENTRATED IN THE HIGH DRUG-ABUSE AREAS OF THE CITY. THE BUDGET FOR THE ALCOHOL AND DRUG ABUSE SUBSTANCE ADMINISTRATION WILL BE $31.6 MILLION IN FISCAL YEAR 1990, A 19 PERCENT GROWTH RATE, AND $5.2 MILLION OVER ACTUAL FISCAL YEAR 1988 SPENDING. THE YOUTH SERVICES ADMINISTRATION WILL INCREASE BY $9.1 MILLION. THIS REPRESENTS A 29.4 PERCENT INCREASE IN JUST TWO YEARS AND FOCUSES RESOURCES ON YOUTHS IN THE JUVENILE JUSTICE SYSTEM AS WELL AS THOSE IDENTIFIED AS AT-RISK.

THE DISTRICT IS TARGETING EXISTING RESOURCES--COORDINATED ACROSS CITY AGENCIES--THROUGH "OPERATION FIGHT BACK," A MULTIFACETED ANTIDRUG-ABUSE EFFORT AIMED AT REDUCING THE DEMAND FOR DRUGS BY PROVIDING SUBSTANCE-ABUSE TREATMENT, COUNSELING, AND EDUCATION; OFFERING ALTERNATIVES TO THE DRUG LIFESTYLE; AND ALLEVIATING CONDITIONS THAT PERPETUATE DRUG USE. I THINK IT IS IMPORTANT TO NOTE THAT THE DISTRICT CONTINUES TO LEAD THE NATION IN THE USE OF LOCAL FUNDS FOR LOW- TO MODERATE-INCOME HOUSING, JOB TRAINING, AND PRODUCTIVE SUMMER YOUTH EMPLOYMENT PROGRAMS.

TO FURTHER OUR CITYWIDE EFFORT, THE PUBLIC SCHOOLS AND THE PUBLIC LIBRARIES EACH HAVE DRUG PREVENTION, EDUCATIONAL, AND AWARENESS PROGRAMS. THE SCHOOLS ARE TARGETING MORE AND MORE OF THEIR EDUCATIONAL EFFORTS ON LOWER GRADES AND ARE WORKING CLOSELY WITH TEACHERS AND SCHOOL COUNSELORS TO IDENTIFY AND REACH CHILDREN AT-RISK.

DISTRICT'S REQUEST FOR ADDITIONAL WAR-ON-DRUGS RESOURCES

UP TO THIS POINT, I HAVE REVIEWED WHAT THE DISTRICT HAS DONE WITH ITS LIMITED RESOURCES TO FIGHT THE WAR ON DRUGS. HOWEVER, THE DISTRICT HAS ALSO REQUESTED ADDITIONAL SUPPORT FUNDING THROUGH THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY, DR. WILLIAM BENNETT, AND THROUGH THIS SUBCOMMITTEE TO EXPAND THE FIGHT.

AS SOON AS THE SENATE CONFIRMED DR. BENNETT, I MET WITH HIM TO DISCUSS THE DISTRICT'S NEED FOR FEDERAL SUPPORT FOR OUR EFFORTS TO REDUCE DRUG ABUSE AND VIOLENT CRIME. LESS THAN THREE WEEKS LATER, I SUBMITTED A COMPREHENSIVE REQUEST PACKAGE TO DR. BENNETT THAT, IF SUPPORTED THROUGH FUNDING, WOULD ENABLE THE CITY TO MAKE ACROSS-THE-BOARD IMPROVEMENTS IN ITS ABILITY TO PROVIDE ENFORCEMENT, PREVENTION, AND TREATMENT SERVICES. SUBSEQUENTLY, I ALSO MET WITH THIS SUBCOMMITTEE, AND THAT MEETING RESULTED IN AN ADDITIONAL REQUEST FOR SUPPORT. I TRANSMITTED THAT REQUEST TO THE CHAIRMAN ON APRIL 7, 1989.

REQUEST FOR $102 MILLION IN FEDERAL SUPPORT

OUR REQUEST OF DR. BENNETT INCLUDES EMERGENCY ACTIONS TO PROVIDE 2,000 MORE PRISON BED-SPACES (1,500 IN FEDERAL PRISONS AND 500 IN VARIOUS STATE SYSTEMS) AND INTERVENTION TO REMOVE ADMINISTRATIVE OBSTACLES TO THE FULL IMPLEMENTATION OF A DRUG-INTERDICTION PROJECT AT THE LORTON PRISON COMPLEX.

THE FUNDING PART OF OUR REQUEST IS TO PROVIDE FOR A MULTILEVEL STRATEGY REQUIRING $10,379,232 FOR PREVENTION INITIATIVES, $90,213,993 FOR LAW ENFORCEMENT INITIATIVES, AND $1,425,000 FOR TREATMENT INITIATIVES. THIS FUNDING WOULD ENHANCE SERVICES AVAILABLE FROM ALL DISTRICT PUBLIC SAFETY AGENCIES, AS WELL AS THE PUBLIC SCHOOL SYSTEM, THE DEPARTMENT OF PUBLIC AND ASSISTED HOUSING, AND THE ALCOHOL AND DRUG ABUSE SERVICES ADMINISTRATION, EACH OF WHICH PLAYS A FUNDAMENTAL ROLE IN SHAPING ATTITUDES ABOUT DRUG USE.

IN TOTAL, THE REQUEST AMOUNTS TO $102,018,225 AND WOULD FUND 800 ADDITIONAL POLICE OFFICERS, WITH 100 BEING DEDICATED TO PUBLIC HOUSING PATROLS; AN ENHANCED URINALYSIS PROGRAM; 11 ADDITIONAL JUDGES; 70 PROBATION OFFICERS AND

OTHER COURT SUPPORT STAFF; INCREASED CAPACITY FOR REPRESENTING INDIGENT DEFENDANTS; TRANSITIONAL DEVELOPMENT OF AN INTERMEDIATE APPELLATE COURT; THE 2,000 ADDITIONAL PRISON BEDS IN FEDERAL AND STATE PRISONS INCLUDED IN THE EMERGENCY REQUEST; ADDITIONAL PAROLE STAFF, INCLUDING HEARING OFFICERS AND SPECIAL SURVEILLANCE TEAMS; EXPANDED INSTITUTIONAL AND COMMUNITY-BASED SERVICES FOR DELINQUENT YOUTHS, INCLUDING A 50-BED, DRUG-TREATMENT CAPABILITY; ADDITIONAL JUVENILE PROSECUTORS; EXPANDED TREATMENT, PREVENTION, AND COUNSELING PROGRAMS, WITH A SPECIAL EMPHASIS ON PUBLIC HOUSING RESIDENTS; AND TWO TRANSITIONAL SCHOOL PROGRAMS FOR YOUTHS RETURNING FROM SECURE CONFINEMENT IN YOUTH CORRECTIONAL INSTITUTIONS.

REQUEST FOR $36.2 MILLION FOR SPECIAL INITIATIVES

A FEW DAYS AFTER SUBMITTING THAT REQUEST TO DR. BENNETT, I TESTIFIED BEFORE THIS SUBCOMMITTEE AND WAS URGED TO ASK CONGRESS FOR RESOURCES NEEDED TO QUELL THE UPSURGE IN DRUGS AND VIOLENCE. IMMEDIATELY FOLLOWING THAT HEARING, I SUBMITTED A LETTER TO THE SUBCOMMITTEE CHAIRMAN, SENATOR BROCK ADAMS, DETAILING ADDITIONAL RESOURCES THAT ARE NEEDED, INCLUDING $16,819,200 TO PAY OVERTIME FOR POLICE OFFICERS TO WORK SIX DAYS PER WEEK TO EXPAND A SPECIAL LAW ENFORCEMENT PROGRAM AIMED AT ERADICATING OPEN-AIR DRUG MARKETS; TO PURCHASE HELICOPTERS AND OTHER SURVEILLANCE EQUIPMENT; TO OBTAIN PRIORITY USE OF THE FBI'S FORENSIC LABORATORY AND FUNDING FOR THE DISTRICT TO ESTABLISH ITS OWN FORENSIC LABORATORY; AND TO PROVIDE A FACILITY TO REPLACE THE WOEFULLY INADEQUATE QUARTERS OF THE MPD'S HOMICIDE BRANCH.

IN ALL, AN ADDITIONAL $36,197,675, EXCLUSIVE OF THE REQUEST MADE TO DR. BENNETT, IS NEEDED TO CARRY OUT THE SPECIAL INITIATIVES OUTLINED IN THE LETTER TO SENATOR ADAMS. I ALSO REQUESTED THE SUBCOMMITTEE'S INTERVENTION IN SUPPORT OF THE PROPOSALS SUBMITTED TO DR. BENNETT AND IN THREE AREAS CONCERNING THE DELIVERY OF CORRECTIONAL SERVICES. IN ADDITION, I ASKED THE SUBCOMMITTEE TO AUTHORIZE AND FUND THE PLACEMENT OF 2,000 PRISONERS IN FEDERAL AND STATE INSTITUTIONS; TO FACILITATE OUR EFFORTS WITH THE U.S. DEPARTMENT OF JUSTICE IN ESTABLISHING A DRUG-INTERDICTION UNIT AT LORTON; AND TO CLARIFY THAT THE PLANNED 800-BED TREATMENT FACILITY, FOR WHICH CONSTRUCTION HAS BEEN

DELAYED BY COURT INTERVENTION, IS A LOCAL PROJECT AND THEREFORE OUTSIDE THE PURVIEW OF FEDERAL HISTORIC PRESERVATION LAWS.

WE GREATLY APPRECIATE THE SENATE'S PASSAGE OF A RESOLUTION CLARIFYING THE STATUS OF THE CORRECTIONAL TREATMENT FACILITY. WE ARE ALSO APPRECIATIVE OF ACTIONS FACILITATED BY DR. BENNETT THAT EXPAND COORDINATION OF REGIONAL LAW ENFORCEMENT ACTIVITIES, INCLUDING THE DETAILING OF 41 ADDITIONAL AGENTS TO THE DISTRICT AND THE DETAILING OF 10 LAWYERS TO THE LOCAL PROSECUTOR, ALONG WITH A DECISION TO PROSECUTE MORE DRUG CASES IN FEDERAL COURT.

DR. BENNETT IS ALSO PROVIDING TECHNICAL ASSISTANCE IN SEVERAL AREAS: IMPLEMENTATION OF DRUG PREVENTION AND TREATMENT PROGRAMS; HUD EASEMENT OF REGULATIONS FOR EVICTIONS FROM PUBLIC HOUSING; PLANNED REPLICATION OF A SPECIAL ONE-DAY ENFORCEMENT AND REPAIR EFFORT AT ONE PUBLIC HOUSING BUILDING; AND ACCEPTANCE OF 500 ADDITIONAL INMATES INTO FEDERAL INSTITUTIONS. WHILE THESE ACTIONS WILL CERTAINLY BE USEFUL, WE STAND BY OUR REQUEST FOR THE RESOURCES NEEDED TO ADDRESS COMPREHENSIVELY THE NUMEROUS PROBLEMS ASSOCIATED WITH DRUG ABUSE.

LONG-RANGE PLANS

WE REMAIN COMMITTED TO SOLVING THE DRUG PROBLEM, AND WE REALIZE THAT THE SUCCESS OF OUR LONG-RANGE SOLUTIONS WILL GREATLY DEPEND ON THE DEGREE TO WHICH WE CAN REDUCE DRUG ABUSE AND DRUG-RELATED VIOLENCE OVER THE NEXT SEVERAL MONTHS. BECAUSE THE SHORT-TERM APPROACH OF GREATLY ENHANCING LAW ENFORCEMENT CAPABILITY WILL CREATE AN ADDED BURDEN ON THE CORRECTIONS AND CRIMINAL JUSTICE SYSTEMS, OUR LONG-RANGE PLANS INCLUDE ADDING ANOTHER 3,000 BEDS AT THE LORTON CORRECTIONAL COMPLEX OVER THE NEXT TEN YEARS AND 500 TO 1,000 BEDS IN THE DISTRICT.

ADDITIONALLY, WE PLAN TO EXPAND DRUG PREVENTION PROGRAMS AND TO ENHANCE TREATMENT SERVICES, INCLUDING THE USE OF EFFECTIVE TECHNIQUES FOR TREATING COCAINE ADDICTION. MOREOVER, AND PERHAPS OF EVEN GREATER LONG-RANGE IMPORTANCE, WE PLAN TO ENSURE THAT HOUSING, EMPLOYMENT, AND OTHER BASIC

SUPPORT SERVICES ARE ADEQUATE TO MEET CITIZENS' NEEDS AND ALLEVIATE THE CONDITIONS THAT HELP CREATE A DEMAND FOR DRUGS.

SIX-DAY WORKWEEK FOR POLICE OFFICERS

TO EXPAND OUR LAW ENFORCEMENT EFFORTS, WE IMPLEMENTED ON A DEMONSTRATION BASIS THIS PAST MARCH, A SIX-DAY WORKWEEK FOR THE POLICE DEPARTMENT. HOWEVER, THE RESOURCES TO FUND THIS DEMONSTRATION PROJECT ARE NOT AVAILABLE IN THE DISTRICT'S BUDGET, AS THE REVISED FISCAL YEAR 1989 BUDGET HAD ALREADY BEEN PASSED WHEN THIS PROGRAM WAS INITIATED. THUS, FOLLOWING UP THIS SUBCOMMITTEE'S REQUEST AS TO THE ASSISTANCE IT COULD PROVIDE, I REQUESTED IN MY APRIL 7, 1989, LETTER TO THE CHAIRMAN $16,819,200 TO FUND THE SIX-DAY WORKWEEK FOR A SIX-MONTH PERIOD.

WE HAVE ALREADY SEEN THE IMPACT OF THIS DEMONSTRATION PROJECT, AS THE CRIME RATE HAS GONE DOWN FROM AN INCREASE OF 17.8 PERCENT TO AN INCREASE OF 4.6 PERCENT. ALSO, HOMICIDES HAVE GONE DOWN FROM 1 EVERY 16 HOURS TO 1 EVERY 48 HOURS. HOMICIDES ARE UNACCEPTABLE TO ME AND MY GOAL IS TO REDUCE THAT NUMBER TO ZERO.

THE COST OF THE SIX-DAY WORKWEEK WHICH BEGAN ON MARCH 17TH IS APPROXIMATELY $600,000 A WEEK FOR THE DEPLOYMENT OF 3,054 OFFICERS. IT IS A COST WHICH WE CANNOT AFFORD. THEREFORE, I AM ONCE AGAIN ASKING THIS COMMITTEE TO PROVIDE THE REQUESTED FUNDING OF $16,819,200, WHICH WILL REIMBURSE US FOR THE FUNDS ALREADY SPENT AND PERMIT US TO CONTINUE THIS PROGRAM THE REST OF THIS FISCAL YEAR.

SHIFTING POSITIONS AND DOWNSIZING THE GOVERNMENT

THE DISTRICT OF COLUMBIA IS OFTEN UNFAIRLY CRITICIZED FOR THE SIZE OF ITS LABOR FORCE IN COMPARISON WITH OTHER STATES AND LOCALITIES. ACCOUNTABILITY OUGHT TO BE THE WATCHWORD AND NOT COMPARABILITY. THEREFORE, I URGE THE CONGRESS NOT TO COMPARE THE DISTRICT WITH OTHER STATES. THE DISTRICT

GOVERNMENT CANNOT BE COMPARED STATISTICALLY TO ANY OTHER JURISDICTION AS THERE IS NO JURISDICTION QUITE AS UNIQUE AS THE DISTRICT. THIS IS PRIMARILY BECAUSE OF THE COMPOSITE NATURE OF DISTRICT GOVERNMENT FUNCTIONS AND THE 100 PERCENT URBAN CHARACTER OF THE DISTRICT.

THE DISTRICT PERFORMS THE FUNCTIONS OF A CITY, A COUNTY, AND A STATE. LOCAL GOVERNMENT WORK FORCES OFTEN DO NOT INCLUDE HIGHWAY MAINTENANCE WORKERS, UNIVERSITY EMPLOYEES, MENTAL HOSPITAL STAFF, CORRECTIONS OFFICERS, OR OTHER TRADITIONAL STATE-LEVEL EMPLOYEES. STATE GOVERNMENTS DO NOT EMPLOY MUNICIPAL POLICE OFFICERS, FIREFIGHTERS, OR VARIOUS REGULATORY INSPECTORS. THE DISTRICT IS RESPONSIBLE FOR ALL THESE STATE AND LOCAL FUNCTIONS AND, THEREFORE, MUST EMPLOY THE STAFF TO PERFORM THEM.

BECAUSE THE DISTRICT IS 100 PERCENT URBAN, IT RANKS HIGH AMONG COMBINED STATE AND LOCAL GOVERNMENTS IN PUBLIC EMPLOYMENT. THE DISTRICT RANKS ESPECIALLY HIGHER IN SPECIFIC JOB CATEGORIES SUCH AS POLICE OFFICER, FIREFIGHTER, WASTEWATER TREATMENT WORKER, AND HEALTH AND HOSPITAL WORKERS. THESE TRADITIONAL URBAN FUNCTIONS WOULD REQUIRE GREATER EMPLOYMENT PER CAPITA IN A TOTALLY URBANIZED ENVIRONMENT THAN IN A STATE WITH A COMBINED RURAL AND URBAN ENVIRONMENT.

THE DISTRICT CONTINUES TO BE VIGILANT IN CONTROLLING THE SIZE OF ITS LABOR FORCE. SINCE THE ADVENT OF HOME RULE, WE HAVE EXPERIENCED A DECLINE IN THE NUMBER OF AUTHORIZED CONTINUING FULL-TIME POSITIONS. IN 1975, WE HAD 42,040 APPROPRIATED AUTHORIZED POSITIONS, BUT IN THE 1990 BUDGET BEING PRESENTED TO YOU TODAY, OUR REQUEST IS FOR ONLY 38,762 AUTHORIZED POSITIONS, A CUMULATIVE NET REDUCTION OF 3,278 POSITIONS. AND THAT REDUCTION WAS ACHIEVED EVEN WITH THE RECENT ADDITION OF OVER 3,000 EMPLOYEES RESULTING FROM THE TRANSFER OF SAINT ELIZABETHS HOSPITAL TO THE DISTRICT. THOSE POSITIONS WERE ADDED AT THE RECOMMENDATION OF THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET (OMB), WITH THE APPROVAL OF THE CONGRESS. IT WAS NOT MY CHOICE, BUT THE DISTRICT WAS FORCED TO ADD 3,000 FEDERAL EMPLOYEES TO ITS ROLES. SO WHILE THE FEDERAL GOVERNMENT

WAS BUSY REDUCING THE SIZE OF ITS WORK FORCE, IT HAD NO PROBLEM WITH INCREASING THE SIZE OF THE DISTRICT'S WORK FORCE, WHICH NOW IS BEING CRITICIZED AS "BLOATED."

NOTWITHSTANDING THE ADDED MENTAL HEALTH-CARE EMPLOYEES, WE HAVE CONSISTENTLY TRIED OVER THE YEARS TO REDUCE POSITIONS AND TO REALLOCATE THEM TO HIGHER PRIORITIES BEFORE ADDING NEW POSITIONS. THIS TREND HAS BEEN CONTINUED IN THE REVISED FISCAL YEAR 1989 AND THE PROPOSED FISCAL YEAR 1990 BUDGETS. OUR REVISED FISCAL YEAR 1989 BUDGET REQUESTS THE RESCISSION OF 1,273 POSITIONS, INCLUDING 107 FROM GOVERNMENTAL DIRECTION AND SUPPORT, 111 FROM ECONOMIC DEVELOPMENT AND REGULATION, 854 FROM HUMAN SUPPORT SERVICES, AND 201 FROM PUBLIC WORKS. A TOTAL OF 160 POSITIONS HAVE BEEN REALLOCATED AND ARE REQUESTED FOR PUBLIC SAFETY FOR A NET RESCISSION OF 1,113 POSITIONS. TO ACHIEVE THE NECESSARY FISCAL YEAR 1989 PERSONNEL SAVINGS, THIS GOVERNMENT CONTINUED THE SPECIAL CONTROL POLICIES INITIATED IN FISCAL YEAR 1988 AND WILL SUSTAIN THOSE CONTROLS THROUGH FISCAL YEAR 1990. THOSE POLICIES INCLUDE EARLY RETIREMENT, TERM AND TEMPORARY EMPLOYMENT REDUCTIONS, AND PERSONAL SERVICES LAPSE REDUCTIONS.

WE HAVE MADE THESE POSITION REDUCTIONS PERMANENT IN THE FISCAL YEAR 1990 BUDGET WITH THE ELIMINATION OF 1,308 AUTHORIZED CONTINUING FULL-TIME POSITIONS FROM THE BASE, A REDUCTION OF AN ADDITIONAL 35 POSITIONS OVER THE 1,113 CUT IN THE FISCAL YEAR 1989 REVISED BUDGET. WHILE WE ARE REQUESTING AN INCREASE OF 1,392 GENERAL FUND POSITIONS, OFFSET BY THE 1,308 CUT FROM THE BASE BUDGET, THE FISCAL YEAR 1990 BUDGET BEFORE YOU NOW REFLECTS A NET INCREASE OF ONLY 92 GENERAL FUND POSITIONS.

OF THE 1,392 NEW AUTHORIZED CONTINUING FULL-TIME POSITIONS ADDED TO THE FISCAL YEAR 1990 BUDGET, 1,144, OR 82 PERCENT, ARE IN THE PUBLIC SAFETY AREA--400 IN THE POLICE DEPARTMENT, 655 IN THE DEPARTMENT OF CORRECTIONS, 55 IN THE COURTS AND 34 IN OTHER PUBLIC SAFETY AGENCIES. THE BALANCE OF 248 NEW POSITIONS ARE VIRTUALLY ALL IN THE HUMAN SERVICES AREA.

THE AGENCIES HARDEST HIT WITH POSITION REDUCTIONS ARE CENTRAL SUPPORT AGENCIES SUCH AS ADMINISTRATIVE SERVICES, PERSONNEL, FINANCE, AND THE MAYOR'S OFFICE-- YES, EVEN THE MAYOR'S OFFICE. OTHER AGENCIES TAKING LARGE POSITION CUTS ARE THE DEPARTMENTS OF CONSUMER AND REGULATORY AFFAIRS, PUBLIC WORKS, AND HUMAN SERVICES. THE ENTIRE DISTRICT GOVERNMENT IS GOING TO HAVE TO DO MORE WITH LESS. IN ADDITION TO THE REDUCTION OF 1,308 POSITIONS, WE ARE ALSO COMMITTED TO REDUCING THE NUMBER OF AUTHORIZED CONTINUING FULL-TIME POSITIONS ABOVE THE DS-10 LEVEL. WE PLAN TO REDUCE THAT NUMBER BY 318 IN FISCAL YEAR 1989 AND BY 309 IN FISCAL YEAR 1990.

BEFORE I REVIEW THE DETAILS OF THE CITY'S REQUESTS, I WANT TO TAKE A MOMENT TO DISCUSS SOME FEDERAL-DISTRICT ISSUES THAT CONTINUE TO AFFECT THE CITY'S FISCAL SITUATION, PROVIDE YOU WITH A CONTRACTING AND PROCUREMENT UPDATE, AND REVIEW THE STATUS OF THE CORRECTIONAL TREATMENT FACILITY.

THE FEDERAL PAYMENT TO THE DISTRICT

I WAS DISMAYED THAT THE PRESIDENT'S FISCAL YEAR 1990 BUDGET RECOMMENDS ONLY $430.5 MILLION AS THE FEDERAL PAYMENT FOR THE DISTRICT. IF APPROPRIATED, IT WILL BE THREE CONSECUTIVE YEARS IN WHICH THE PAYMENT HAS BEEN EXACTLY THE SAME IN CURRENT DOLLARS. IN ADDITION, THE PAYMENT WILL HAVE DIMINISHED 14 PERCENT IN REAL TERMS FROM 1985 TO 1990. WITH THE SPENDING PRESSURES IN PUBLIC SAFETY, EDUCATION, AND HUMAN SUPPORT SERVICES, THE DWINDLING REIMBURSEMENT WE ARE RECEIVING FOR THE FEDERAL PRESENCE HAS FORCED US INTO SIZABLE CUTBACKS IN SPENDING, A BROAD-SCALE INCREASE IN TAX RATES, AND EXTENSION OF THE BASES OF SEVERAL TAXES.

SHOULD SEQUESTRATION OCCUR THIS YEAR, THE FEDERAL PAYMENT, WHICH IS CONSIDERED, AS YOU KNOW, A DISCRETIONARY EXPENDITURE UNDER THE GRAMM-RUDMAN-HOLLINGS LAW, WILL DECLINE IN ABSOLUTE DOLLARS. SUCH AN OCCURRENCE, OF COURSE, WILL AGGRAVATE WHAT PORTENDS TO BE ANOTHER YEAR OF FINANCIAL PRESSURES FOR THE DISTRICT. WHILE MANY STATE AND LOCAL GOVERNMENTS, ESPECIALLY ON THE EAST COAST, ARE EXPERIENCING THOSE PRESSURES, THE DISTRICT

IS UNIQUE IN HAVING A MAJOR SOURCE OF REVENUE THAT NOT ONLY HAS STOPPED GROWING BUT HAS ALSO BECOME SUBJECT TO REDUCTION AS LATE AS TWO MONTHS, OR EVEN SIX MONTHS, AFTER THE BUDGET YEAR HAS BEGUN. IT IS DIFFICULT TO MANAGE FINANCES WITH SUCH GREAT UNCERTAINTY.

PENDING AUTHORIZATION AND APPROPRIATION OF THE ADDITIONAL $5.5 MILLION REQUESTED BY THE PRESIDENT, WE HAVE EARMARKED FOR FUNDING BY THAT INCREMENT AN EQUAL AMOUNT OF THE COSTS OF OUR MENTAL HEALTH SYSTEM. WE ARE, OF COURSE, VERY EAGER TO INCREASE THE SIZE OF THE FEDERAL PAYMENT. SHOULD THE CONGRESS APPROVE AN INCREASE TO THE AUTHORIZED FEDERAL PAYMENT, I WOULD WISH TO SEE UP TO $20 MILLION ALLOCATED TO THE PUBLIC SCHOOL SYSTEM FOR EDUCATIONAL PROGRAMS. I COULD NOT END MY DISCUSSION OF THE FEDERAL PAYMENT WITHOUT DISCUSSING A FORMULA-BASED PAYMENT FOR THE DISTRICT. IT IS SOMETHING I HAVE BEEN TALKING ABOUT FOR YEARS. IN FACT, MORE THAN FOUR YEARS AGO, WE PROPOSED A FORMULA-BASED PLAN THAT WOULD SET THE PAYMENT AT 35 PERCENT OF THE SECOND PRECEDING YEAR'S AUDITED LOCAL TAX REVENUE. THOUGH THE PRESIDENT'S FY 1985 BUDGET SUPPORTED THE PRINCIPLE OF A FORMULA PAYMENT, WE HAVE YET TO RECEIVE AN OFFICIAL COMMUNICATION OR RESPONSE FROM THE ADMINISTRATION ON OUR PROPOSED FORMULA.

IN LIGHT OF THE ADMINISTRATION'S APPARENT RELUCTANCE TO MOVE FORWARD ON THIS ISSUE, ONCE AGAIN I MUST SEEK THE ASSISTANCE OF THE CONGRESS IN ESTABLISHING A FORMULA-BASED PAYMENT. WE ARE WILLING TO WORK WITH THE CONGRESS TO ESTABLISH OUR PLAN OR TO DEVELOP A MUTUALLY ACCEPTABLE AND REASONABLE ALTERNATIVE FORMULA. I HOPE THAT THIS COMMITTEE WILL WORK WITH US ON THIS INITIATIVE.

FEDERAL WATER AND SEWER PAYMENT

ANOTHER CONCERN, ONE THAT WE HAVE RAISED BEFORE THIS COMMITTEE FOR THE LAST TWO YEARS, IS THE REIMBURSEMENT OF THE DISTRICT FOR WATER AND SEWER SERVICES PROVIDED FOR THE FEDERAL GOVERNMENT. WE ARE EXPRESSING THAT SAME CONCERN AGAIN THIS YEAR, BECAUSE, FOR THE THIRD CONSECUTIVE YEAR, THE PRESIDENT'S

BUDGET FOR THE DISTRICT CONTAINS NO LUMP-SUM PAYMENT FOR WATER AND SEWER SERVICES.

INSTEAD, THE PRESIDENT'S BUDGET SHOWS OFFSETTING COLLECTIONS FROM INDIVIDUAL FEDERAL AGENCIES TOTALING $34,740,000 THAT WILL BE TRANSFERRED TO THE DISTRICT. IN ADDITION, THE PRESIDENT'S FISCAL YEAR 1990 BUDGET DOCUMENTS STATE THAT LEGISLATION WILL BE SUBMITTED TO AUTHORIZE THE DISTRICT TO BILL THE FEDERAL ESTABLISHMENTS DIRECTLY AND FOR THOSE AGENCIES TO PAY THE DISTRICT DIRECTLY. IN FACT, AGAIN THIS YEAR, A GENERAL PROVISION HAS BEEN INSERTED IN THE PRESIDENT'S PROPOSED FISCAL YEAR 1990 APPROPRIATIONS LANGUAGE TO ACCOMPLISH THIS, AND AN AMENDMENT TO THE PUBLIC WORKS ACT OF 1954 HAS BEEN SUBMITTED TO THE HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA AND THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION.

NEITHER THE GENERAL PROVISION NOR THE AMENDMENT INCLUDES SUFFICIENT TOOLS FOR THE DISTRICT TO ENFORCE COLLECTIONS. IN FACT, THE PROPOSED AMENDMENT EXPRESSLY PROHIBITS TERMINATING SERVICE TO NONPAYING FEDERAL AGENCIES. SINCE OTHER WASHINGTON AREA UTILITIES ARE AUTHORIZED TO ASSESS PENALTIES AND TERMINATE SERVICE, IT WOULD BE UNFAIR TO DENY THE DISTRICT THAT SAME AUTHORITY. AS I HAVE STATED IN THE PAST, AND CONTINUE TO BELIEVE, CURRENT LAW REQUIRES THE FEDERAL GOVERNMENT TO PAY THE DISTRICT FOR WATER AND SEWER SERVICES ONLY THROUGH A DIRECT LUMP-SUM APPROPRIATION. THE COMPTROLLER GENERAL ISSUED THE SAME OPINION IN APRIL 1987.

IN OUR REQUEST FOR FEDERAL FUNDS FOR FISCAL YEAR 1989, I ASKED OMB ON AUGUST 26, 1988, TO RECOMMEND A LUMP-SUM WATER AND SEWER PAYMENT FOR FISCAL YEAR 1990. THE FISCAL YEAR 1990 REQUEST WAS FOR $34,740,000. IN MY NOVEMBER 28, 1988, LETTER TO OMB APPEALING THE FISCAL YEAR 1990 "PASSBACK," WHICH CONTAINED NO SUCH APPROPRIATION REQUEST, I REITERATED MY POSITION THAT, UNTIL THE LAW IS CHANGED, THE ANNUAL BUDGET SHOULD INCLUDE THE LUMP-SUM PAYMENT. SINCE OMB HAS IDENTIFIED THE FUNDS, IT SHOULD BE INCLUDED IN THE DISTRICT'S BUDGET AS A LUMP-SUM PAYMENT AS REQUIRED BY THE PUBLIC WORKS ACT OF 1954.

REQUIRING THE DISTRICT TO FUND COLA INCREASES FOR CIVIL SERVICE RETIREES

WE ALSO TAKE ISSUE WITH THE PRESIDENT'S FISCAL YEAR 1990 BUDGET PROPOSAL TO INCREASE THE DISTRICT'S CONTRIBUTION TO THE U.S. CIVIL SERVICE RETIREMENT SYSTEM (CSRS). THE PROPOSED INCREASE WOULD BE REQUIRED TO COVER NEW LIABILITIES CREATED WITH EACH NEW COST-OF-LIVING ADJUSTMENT TO ANNUITANTS' BENEFITS, EFFECTIVE OCTOBER 1, 1989. SINCE THE PRESIDENT'S BUDGET PROPOSES TO FREEZE THE RETIREMENT COLA IN 1990, THE DISTRICT WOULD INCUR ITS FIRST COSTS IN FISCAL YEAR 1991. OMB ESTIMATES THOSE COSTS AT $9 MILLION. IN THE OUT-YEARS, OMB ESTIMATES THAT THE DISTRICT'S COST WOULD RISE TO $17 MILLION IN FISCAL YEAR 1992, $25 MILLION IN FISCAL YEAR 1993, AND $33 MILLION IN FISCAL YEAR 1994.

WE OBJECTED TO A SIMILAR PROPOSAL IN THE PRESIDENT'S FISCAL YEAR 1989 BUDGET, AND WE STRONGLY OBJECT TO THIS PROPOSED INCREASE. THE DISTRICT NEITHER DECIDES NOR CONTROLS THE LEVEL OF BENEFITS OR THE LEVEL OF FUNDING FOR THOSE BENEFITS AND SHOULD NOT BE RESPONSIBLE FOR THE MANDATED COSTS. MOREOVER, AT PRESENT, IT IS DIFFICULT TO SEGREGATE BENEFITS ACCRUED TO DISTRICT ANNUITANTS BASED ON DISTRICT SERVICE VERSUS PRIOR FEDERAL SERVICE. FURTHERMORE, MUCH OF THE LIABILITY FOR THESE RETIREMENT COSTS WAS ACCRUED PRIOR TO HOME RULE AND SHOULD REMAIN A FEDERAL RESPONSIBILITY.

REQUIRING THE DISTRICT TO PAY HEALTH PREMIUMS FOR ANNUITANTS

IN ADDITION, WE OPPOSE THE PRESIDENT'S FISCAL YEAR 1990 BUDGET PROPOSAL TO REQUIRE THE DISTRICT TO MAKE, BEGINNING IN FISCAL YEAR 1990, ANNUAL FEDERAL EMPLOYEE HEALTH BENEFIT (FEHB) PAYMENTS TO THE OFFICE OF PERSONNEL MANAGEMENT (OPM) FOR DISTRICT ANNUITANTS AND SURVIVORS OF ANNUITANTS. ON THE BASIS OF OMB'S ESTIMATES, THE DISTRICT WOULD HAVE TO PAY OPM $13 MILLION IN FISCAL YEAR 1990, $24 MILLION FISCAL YEAR 1991, AND $33 MILLION IN FISCAL YEAR 1992--REACHING $53 MILLION BY FISCAL YEAR 1994.

THE DISTRICT SHOULD NOT BE FORCED TO BEAR THE COSTS OF A HEALTH BENEFIT PLAN THAT IT NEITHER DESIGNED NOR REQUESTED. THE DISTRICT INHERITED THE FEHB PROGRAM FROM THE FEDERAL GOVERNMENT AT THE TIME OF HOME RULE. THAT FEDERAL LEGACY INCLUDED THE PRESENT ARRANGEMENTS FOR FINANCING THE HEALTH BENEFITS FOR ANNUITANTS AND ANNUITANTS' SURVIVORS. IN ADDITION, MANY FEHB BENEFICIARIES WHO WERE ANNUITANTS AT THE TIME OF HOME RULE OR WHO RETIRED SINCE THEN WORKED AT VARIOUS TIMES FOR BOTH THE FEDERAL AND DISTRICT GOVERNMENTS. AS WITH THE CSRS ANNUITIES, IT IS DIFFICULT TO IDENTIFY WHICH BENEFITS AND COSTS SHOULD BE ASSOCIATED WITH WHICH GOVERNMENT.

CONTRACTING AND PROCUREMENT

I AM HAPPY TO REPORT THAT THE DISTRICT HAS IMPLEMENTED STRONG LEGISLATION AND REGULATIONS TO ENHANCE THE INTEGRITY OF OUR PROCUREMENT SYSTEM AND THE SPIRIT OF COMPETITION IN THE AWARD OF CONTRACTS. THIS WAS ACCOMPLISHED WITH THE PASSAGE OF THE D.C. PROCUREMENT PRACTICES ACT, D.C. LAW 6-85. OUR PRIMARY OBJECTIVE NOW IS TO INCREASE THE EFFICIENCY AND FISCAL ACCOUNTABILITY OF THE PROCUREMENT PROCESS BY DEVELOPING STANDARDIZED PROCEDURES AND TRAINING PROGRAMS.

LAST YEAR WHEN I APPEARED BEFORE THIS COMMITTEE, TWENTY-EIGHT OF THE REQUIRED THIRTY-TWO CHAPTERS OF THE PROCUREMENT REGULATIONS HAD BEEN APPROVED, PROMULGATED, AND IMPLEMENTED. WE WERE IN THE PROCESS OF DRAFTING REGULATIONS FOR THE REMAINING FOUR CHAPTERS. SINCE THAT TIME WE HAVE ACCOMPLISHED THE FOLLOWING:

- THE CHAPTER ON "APPLICATION OF OTHER LAWS TO DISTRICT CONTRACTS" (CHAPTER 43) AND THE CHAPTER ON "MATERIEL MANAGEMENT INFORMATION SYSTEM" (CHAPTER 46) HAVE BEEN DRAFTED AND ARE BEING REVIEWED BY THE CORPORATION COUNSEL; IT IS ANTICIPATED THAT THEY WILL BE PUBLISHED IN THE D.C. REGISTER IN JUNE 1989;

- THE CHAPTER ON "AUTOMATIC DATA PROCESSING" (CHAPTER 30) AND THE CHAPTER ON "SUPPLY MANAGEMENT" (CHAPTER 44) HAVE BEEN DRAFTED, REVIEWED, AND PUBLISHED IN THE D.C. REGISTER; IT IS ANTICIPATED THAT THEY WILL BE IMPLEMENTED WITHIN THE NEXT 60 DAYS;

- THE MATERIAL MANAGEMENT INFORMATION SYSTEM HAS BEEN IMPLEMENTED; THIS SYSTEM, A COMPONENT OF THE FINANCIAL MANAGEMENT SYSTEM, WILL SERVE AS A DATA BASE FOR PROVIDING BASIC INFORMATION ABOUT CONTRACTS; IT ALSO WILL COLLECT, ORGANIZE, DISSEMINATE, AND REPORT PROCUREMENT DATA;

- ALL AGENCIES UNDER THE JURISDICTION OF THE MAYOR HAVE BEEN INTEGRATED INTO THE SYSTEM WITH THE EXCEPTION OF THE DEPARTMENT OF HUMAN SERVICES; IT IS ANTICIPATED THAT THIS DEPARTMENT WILL BE PHASED IN BY SEPTEMBER 1989; AND

- THE WARRANT PROGRAM, WHICH PROVIDES SPECIFIC TRAINING FOR PERSONNEL AUTHORIZED TO CONTRACTUALLY BIND THE DISTRICT, INCLUDING TRAINING IN PROCUREMENT AND PUBLIC-SECTOR ETHICS, HAS BEEN DEVELOPED AND IMPLEMENTED.

WE HAVE MOVED EXPEDITIOUSLY TO PROMULGATE RULES AND IMPLEMENT THE PROCUREMENT PRACTICES ACT IN ORDER TO STRENGTHEN AND IMPROVE THE DISTRICT'S PROCUREMENT PROGRAM. THIS IS AN AREA I AM COMMITTED TO AND ONE THAT WE HAVE WORKED VERY HARD TO IMPROVE.

CORRECTIONAL TREATMENT FACILITY

MY ADMINISTRATION HAS BEEN CRITICIZED ABOUT THE DELAY IN CONSTRUCTING THE CORRECTIONAL TREATMENT FACILITY THAT WAS FUNDED WITH AN INITIAL APPROPRIATION OF $50 MILLION BY THIS COMMITTEE. THIS CRITICISM IS UNJUST, AND I WOULD LIKE TO SPEND A FEW MINUTES RECAPPING THE EVENTS THAT LED TO THE DELAY AND REQUEST ASSISTANCE FROM THIS COMMITTEE IN MOVING FORWARD WITH THE FACILITY.

ALONG WITH THE APPROPRIATION OF THE $50 MILLION, LANGUAGE WAS INCLUDED IN THE FISCAL YEAR 1987 APPROPRIATIONS ACT DIRECTING THE DISTRICT TO AWARD A DESIGN AND CONSTRUCTION CONTRACT FOR A NEW PRISON ON OR BEFORE OCTOBER 15, 1986. IT FURTHER STATED THAT NOT LESS THAN A 700-BED FACILITY WAS TO BE BUILT ON THE SOUTH PART OF SQUARE E-1112 AS RECORDED IN SUBDIVISION BOOK 140, PAGE 199 OF THE OFFICE OF THE SURVEYOR OF THE DISTRICT (A PART OF THE D.C. GENERAL HOSPITAL SITE). THE DISTRICT SUCCESSFULLY MET THIS REQUIREMENT.

THE DISTRICT WAS PREPARED TO MOVE FULL STEAM AHEAD ON THIS PROJECT. HOWEVER, SENATOR HARKIN, WHO HAS BEEN A FRIEND OF THE DISTRICT, HAD SOME CONCERNS AND ASKED THE U.S. GENERAL ACCOUNTING OFFICE (GAO) TO REVIEW FOUR ALTERNATIVE SITES--TWO FORT LINCOLN SITES, THE BRICKYARD SITE, AND THE SOUTH CAPITOL STREET SITE. AS A RESULT, LANGUAGE WAS INCLUDED IN THE FISCAL YEAR 1988 APPROPRIATIONS ACT SUSPENDING ALL ACTIVITIES ON THE CURRENT SITE PENDING THE GAO REPORT, WHICH WAS DUE FEBRUARY 1, 1988.

FOR WHATEVER REASON GAO DID NOT COMPLETE THE REPORT UNTIL MARCH 1988 AND IN CONSULTATION WITH THE FEDERAL BUREAU OF PRISONS DID NOT RANK THE SITES BUT NOTED THE POSITIVES AND NEGATIVES OF EACH SITE. SENATOR HARKIN DISMISSED THE TWO FORT LINCOLN SITES. THE U.S. DEPARTMENT OF AGRICULTURE DENIED THE TRANSFER OF THE BRICKYARD SITE, AND THE NAVY DEPARTMENT DENIED THE TRANSFER OF THE SOUTH CAPITOL STREET SITE. ON THE BASIS OF THOSE ACTIONS, I WROTE A LETTER TO BOTH THE SENATE AND HOUSE APPROPRIATIONS SUBCOMMITTEES RECOMMENDING THAT WE GO FORWARD WITH THE CURRENT SITE FOR THE CORRECTIONAL TREATMENT FACILITY, WHICH WAS APPROVED BY THE COMMITTEES IN MAY 1988. SO FOR ALMOST 9 MONTHS, THE PROJECT WAS DELAYED BY THE CONGRESS, COSTING THE DISTRICT MILLIONS OF DOLLARS IN DELAY CLAIMS.

THEN THERE WAS COMMUNITY OPPOSITION TO THE D.C. GENERAL HOSPITAL SITE, CITING IT AS THE OLD GALLINGER HOSPITAL HISTORIC SITE. A TEMPORARY RESTRAINING ORDER WAS FILED ON FEBRUARY 16, 1989, PREVENTING THE DISTRICT FROM DEMOLISHING THE GALLINGER HOSPITAL BUILDING. AT A MARCH 1, 1989 HEARING THE JUDGE ISSUED AN ORDER BARRING THE DISTRICT FROM DEMOLISHING THE BUILDING. WE HAVE APPEALED

THAT DECISION, AND AN APPELLATE ARGUMENT WILL BE MADE ON MAY 18, 1989 BEFORE THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

IN THE MEANTIME, I REQUESTED ADDITIONAL AUTHORITY OF $35 MILLION IN THE FISCAL YEAR 1989 REVISED BUDGET SUBMITTED TO THE CITY COUNCIL ON FEBRUARY 8TH OF THIS YEAR TO PROVIDE THE BALANCE NEEDED TO COMPLETE THE CONSTRUCTION OF THE CORRECTIONAL TREATMENT FACILITY. IT WAS NECESSARY TO HAVE THAT AUTHORIZATION IN PLACE TO MOVE FORWARD ON THE PROJECT.

THE COUNCIL'S COMMITTEE ON THE JUDICIARY DISAPPROVED THE REQUEST, STATING IN THE COMMITTEE REPORT THAT IT WAS ITS UNDERSTANDING THAT THE FEDERAL GOVERNMENT WOULD PAY FOR THE ENTIRE CONSTRUCTION COST AND THAT THE DISTRICT WOULD PAY FOR THE OPERATING COSTS. THE COUNCIL FURTHER DIRECTED THE EXECUTIVE TO PURSUE ANY ADDITIONAL FUNDING FOR THIS PROJECT FROM THE CONGRESS DURING ITS CONSIDERATION OF THE BUDGET.

THEREFORE, ON THE BASIS OF THE COUNCIL'S ACTION, I AM REQUESTING THAT THE CONGRESS PROVIDE US WITH ADDITIONAL AUTHORITY AND FEDERAL FUNDING OF $35 MILLION TO BUILD THIS URGENTLY NEEDED CORRECTIONAL TREATMENT FACILITY, ESPECIALLY IN LIGHT OF OUR STEPPED-UP LAW ENFORCEMENT ACTIVITIES. THE RESOLUTION PASSED BY THE SENATE CLARIFYING THE STATUS OF THE CORRECTIONAL TREATMENT FACILITY AS A LOCAL PROJECT WILL CERTAINLY HELP US AT THE COURT HEARING ON MAY 18TH BUT WITHOUT THE ADDITIONAL FUNDINGS WE CANNOT MOVE FORWARD WITH THIS PROJECT.

IT WAS CRITICAL THAT I TAKE A FEW MOMENTS TO LAY OUT THE FACTS ABOUT THIS DELAY, BECAUSE I HAVE DONE EVERYTHING POSSIBLE TO CLEAR THIS SITE AND GET IT READY TO START CONSTRUCTION. FOR EXAMPLE, THE DESIGN IS COMPLETE, ALL RELOCATION EFFORTS DIRECTLY RELATED TO THE CONSTRUCTION OF THE CORRECTIONAL FACILITY ARE COMPLETE, A FENCE HAS BEEN INSTALLED AROUND THE PERIMETER OF THE SITE, AND A PERMIT HAS BEEN OBTAINED FROM THE NATIONAL PARK SERVICE FOR

TEMPORARY USE OF THE STADIUM ACCESS ROAD TO AVOID THE CONSTRUCTION VEHICLES FROM USING NEIGHBORHOOD STREETS.

NOW, FOR THE RECORD, I WOULD LIKE TO PROVIDE THE SUBCOMMITTEE WITH AN OVERVIEW OF THE MAJOR FUNDING COMPONENTS OF OUR REVISED FISCAL YEAR 1989 BUDGET AND FISCAL YEAR 1990 BUDGET REQUESTS.

BUDGET REQUEST OVERVIEW

AS I INDICATED AT THE OUTSET, BECAUSE OF NEW FISCAL CIRCUMSTANCES AND THE GROWING SPENDING PRESSURES CAUSED BY THE DRUG WAR AND INCREASING SOCIAL SERVICE COSTS, THE DISTRICT HAS HAD TO PROPOSE MANY CUTBACKS. OUR REVISED FISCAL YEAR 1989 BUDGET AND FISCAL YEAR 1990 BUDGET REQUESTS SUPPORT A SMALLER, MORE EFFICIENT GOVERNMENT. MOST DISTRICT AGENCIES WILL HAVE TO OPERATE WITH FEWER RESOURCES.

BY THEMSELVES, HOWEVER, OUR SPENDING REDUCTIONS ARE NOT SUFFICIENT TO BALANCE THE REVISED FISCAL YEAR 1989 BUDGET AND FISCAL YEAR 1990 BUDGET. ACHIEVING SAVINGS OF THE MAGNITUDE NECESSARY TO FINANCE PROGRAM PRIORITIES IN BOTH YEARS AND TO PROVIDE NEEDED PROPERTY TAX RELIEF IN FISCAL YEAR 1990 WOULD HAVE HAD AN EXTREMELY UNDESIRABLE IMPACT ON PUBLIC SERVICES. THEREFORE, THE DISTRICT IS PROPOSING MODEST REVENUE INCREASES, PRIMARILY IN SALES AND INCOME TAXES, TO CLOSE THE BUDGET GAPS. THOSE INCREASES, MOST OF WHICH ARE EXPECTED TO BECOME EFFECTIVE JULY 1, 1989, WILL BE GENERATED BY EXPANDING THE SALES AND INCOME TAX BASES, RATHER THAN RAISING THOSE TAX RATES.

FISCAL YEAR 1990 GENERAL FUND OPERATING BUDGET REQUEST

FOR FISCAL YEAR 1990, THE DISTRICT IS REQUESTING A GENERAL FUND OPERATING APPROPRIATION OF $3,070,561,000, A NET INCREASE OF $236,857,000 OVER THE ORIGINALLY APPROVED FISCAL YEAR 1989 BUDGET OF $2,833,704,000. THE NET INCREASE REFLECTS $97,483,000 IN BASE REDUCTIONS AND $334,340,000 IN INCREASES.

THE MORE THAN $3 BILLION SERVICE DELIVERY PLAN TARGETS INCREASES ON OUR HIGHEST PRIORITY NEEDS, PARTICULARLY FOR PUBLIC SAFETY, CRIMINAL JUSTICE, HUMAN SUPPORT SERVICES, HOUSING, AND EDUCATION. IT ALSO COVERS THE COST OF PAY INCREASES FOR THE THIRD AND FINAL YEAR OF THE CURRENT COLLECTIVE BARGAINING AGREEMENT.

THE FOLLOWING ARE KEY INCREASES IN THE FISCAL YEAR 1990 REQUEST AS COMPARED WITH THE ORIGINALLY APPROVED FISCAL YEAR 1989 BUDGET.

PUBLIC SAFETY AND JUSTICE

IN PUBLIC SAFETY AND CRIMINAL JUSTICE, OUR REQUEST ADDRESSES MANY CRITICAL NEEDS, ESPECIALLY THOSE NEEDED TO FIGHT THE WAR ON DRUGS:

- AN INCREASE OF $25.2 MILLION FOR THE METROPOLITAN POLICE DEPARTMENT TO HIRE 300 ADDITIONAL POLICE OFFICERS AND 100 MORE CADETS AND PROVIDE RELATED NONPERSONNEL SUPPORT SUCH AS AMMUNITION, VEHICLES, AND EQUIPMENT TO ENHANCE POLICE VISIBILITY AND COMBAT DRUG-RELATED CRIME; THIS 12 PERCENT INCREASE IN THE POLICE DEPARTMENT WILL ADD 300 NEW OFFICERS TO THE 200 NEW OFFICERS AUTHORIZED IN THE FISCAL YEAR 1989 CONGRESSIONALLY APPROVED BUDGET, AND COUPLED WITH THE CONGRESSIONAL APPROVAL TO REPLACE 118 POLICE OFFICERS WHOSE DISABILITY RETIREMENTS HAVE BEEN ACCELERATED, 618 NEW OFFICERS WILL BE ADDED OVER A TWO-YEAR PERIOD TO FIGHT THE DISTRICT'S WAR ON DRUGS;

- AN INCREASE OF $8.5 MILLION, OR 11 PERCENT, FOR THE COURT SYSTEM TO PROVIDE FOR NECESSARY STAFF AND SUPPORT COSTS TO HELP MANAGE THE RISING JUDICIAL CASELOADS;

- AN INCREASE OF $33.6 MILLION, OR 17.3 PERCENT, FOR THE DEPARTMENT OF CORRECTIONS TO HOUSE AND CARE FOR 11,680 PRISONERS IN DISTRICT-OPERATED INSTITUTIONS, COMMUNITY CORRECTIONAL CENTERS, AND NON-DISTRICT FACILITIES; MUCH OF THIS INCREASE IS TO SUPPORT AN INMATE POPULATION

THAT HAS RISEN BY ALMOST 3,000 INMATES ABOVE THE FISCAL YEAR 1989 ORIGINAL BUDGETED LEVEL OF 8,778;

- AN INCREASE OF $1.4 MILLION, OR 25 PERCENT, FOR THE PUBLIC DEFENDER SERVICE TO ADD 22 ADDITIONAL POSITIONS, INCLUDING 15 ATTORNEYS TO HANDLE THE INCREASING NUMBER OF CASES IN THE CRIMINAL JUSTICE SYSTEM;

- AN INCREASE OF $13.1 MILLION, OR 15 PERCENT, FOR THE FIRE AND AMBULANCE SERVICE, PRIMARILY TO PAY THE OVERTIME COSTS FOR STAFFING 5-PERSON, 2-ENGINE PUMPER FIRE COMPANIES AND TO CONTINUE TO UPGRADE THE AMBULANCE OPERATIONS;

- AN INCREASE OF 12.1 MILLION, OR 9.8 PERCENT, IN THE RETIREMENT COSTS OF POLICE OFFICERS, FIREFIGHTERS, AND JUDGES;

- AN INCREASE OF $541,000, OR 11 PERCENT, FOR THE BOARD OF PAROLE TO ENABLE IT TO BETTER MANAGE ITS CASELOAD; AND

- AN INCREASE OF $5.1 MILLION, OR 48 PERCENT, TO PROVIDE ADEQUATE FUNDING FOR SETTLEMENTS AND JUDGMENTS AND AVOID MORE EXPENSIVE LITIGATION COSTS.

THIS GOVERNMENT INTENDS TO WIN THE WAR ON DRUGS AND ENSURE THE PUBLIC'S SAFETY. BUT THE FIGHT TO TURN THE TIDE ON DRUG ABUSE, DRUG VIOLENCE, AND HUMAN MISERY CANNOT BE A ONE-DIMENSIONAL BATTLE. IT MUST BE FOUGHT ON ALL FRONTS WITH ALL THE RESOURCES WE CAN BRING TO BEAR.

HUMAN SUPPORT SERVICES

OUR GOAL IS TO MAKE A PROFOUND DIFFERENCE IN THE LIVES OF DISTRICT RESIDENTS BY CREATING OPPORTUNITIES FOR SELF-SUFFICIENCY, PROVIDING FOR CRUCIAL COMMUNITY NEEDS, AND ELIMINATING THE CONDITIONS THAT BREED DESPAIR AND DEPENDENCE ON DRUGS. MANY OF THOSE REQUIREMENTS--REPRESENTING SOME OF THE GREATEST SPENDING PRESSURES ON THE BUDGET--WILL BE MET BY THE $694.3 MILLION REQUEST FOR OUR DEPARTMENT OF HUMAN SERVICES, AN INCREASE OF $77.7 MILLION.

THAT FUNDING WILL PROVIDE INCREASES FOR A WIDE VARIETY OF CRUCIAL PROGRAMS, INCLUDING THOSE DIRECTLY RELATED TO FIGHTING OUR WAR ON DRUGS. THEY INCLUDE THE FOLLOWING:

- AN INCREASE OF $2.7 MILLION (MAKING A TOTAL OF $31.6 MILLION) TO EXPAND SUBSTANCE-ABUSE DETOXIFICATION TREATMENT, SUSTAIN NEW DRUG TREATMENT CLINICS OPENING IN FISCAL YEAR 1989, AND EXTEND COMMUNITY-BASED RESIDENTIAL TREATMENT EFFORTS;

- AN INCREASE OF $3.8 MILLION TO IMPROVE RESIDENTIAL CARE AND REMEDIAL SERVICES FOR YOUTHS IN THE JUVENILE JUSTICE SYSTEM AND TO PREVENT JUVENILE DELINQUENCY AND POSSIBLE DRUG DEPENDENCY;

- AN INCREASE OF $2.1 MILLION (MAKING A TOTAL OF $20 MILLION) FOR EMERGENCY SHELTER AND SUPPORT SERVICES FOR THE HOMELESS;

- AN INCREASE OF $5 MILLION TO NEARLY DOUBLE THE FUNDING FOR EMERGENCY ASSISTANCE PAYMENTS, PRIMARILY TO HELP AVOID HOMELESSNESS;

- AN INCREASE OF $13.2 MILLION (FOR A TOTAL OF $42.8 MILLION) TO MEET THE INCREASED COSTS OF FOSTER CARE;

- AN INCREASE OF $1 MILLION (FOR A TOTAL OF $21.6 MILLION) FOR DAY-CARE SERVICES TO ALLOW PARENTS TO HOLD JOBS AND KEEP FAMILIES TOGETHER; AND

- AN INCREASE OF $16.9 MILLION FOR MEDICAID PAYMENT INCREASES, NURSING CARE INCREASES, AND OTHER MEDICAL SERVICES, INCLUDING INCREASED AIDS CASES.

HOUSING AND EDUCATION

ADEQUATE, AFFORDABLE HOUSING AND HIGH-QUALITY EDUCATION ARE ALSO IMPORTANT IN MAKING A PROFOUND DIFFERENCE ON THE LIVES OF DISTRICT RESIDENTS. MAJOR FISCAL YEAR 1990 FUNDING INCREASES FOR HOUSING AND EDUCATION INCLUDE THE FOLLOWING:

- AN INCREASE OF $11 MILLION (MAKING A TOTAL OF $20 MILLION) FOR THE TENANT ASSISTANCE PROGRAM (TAP) TO MORE THAN DOUBLE THIS CRITICALLY NEEDED PROGRAM AND HELP MOVE HOMELESS FAMILIES TO SUITABLE PERMANENT HOUSING; AND

- AN INCREASE OF $48.2 MILLION TO CONTINUE TO IMPROVE OUR PUBLIC SCHOOLS AND PROVIDE THE GREATEST BOOST TOWARD SELF-SUFFICIENCY ANY INDIVIDUAL CAN HAVE--A GOOD EDUCATION; TOTAL REQUESTED APPROPRIATED FUNDING FOR OUR PUBLIC SCHOOLS IS NOW $500,579,000--OVER ONE-HALF BILLION DOLLARS.

OTHER INCREASES

OTHER INCREASES INCLUDE $12.4 MILLION TO MEET OUR SHARE OF THE HIGHER WMATA COSTS FOR METROBUS OPERATIONS AND METRORAIL CONSTRUCTION MANAGEMENT; $16.2 MILLION FOR TEACHERS' RETIREMENT CONTRIBUTIONS; AND $15.7 MILLION FOR LOANS AND INTEREST. THE FISCAL YEAR 1990 REQUEST ALSO REFLECTS $19.6 MILLION FOR GENERAL FUND DEFICIT REPAYMENT.

FISCAL YEAR 1990 BUDGET BALANCE

TO HELP MEET THE ABOVE PUBLIC SAFETY, CRIMINAL JUSTICE, HOUSING, AND HUMAN SERVICES COMMITMENTS IN FISCAL YEAR 1990, AND TO FULLY BALANCE THE FISCAL YEAR 1990 BUDGET AND MAKE UP FOR THE $25.2 MILLION IN FOREGONE REVENUE RESULTING FROM RESIDENTIAL PROPERTY TAX RELIEF, ADDITIONAL REVENUE IS NEEDED. A $78.4 MILLION BUDGET-BALANCING REVENUE PACKAGE INCLUDES THE FOLLOWING ADDITIONAL REVENUES:

- $52 MILLION FROM PROPOSED SALES TAX CHANGES, INCLUDING A 6 PERCENT TAX ON REAL PROPERTY SERVICES AND DATA PROCESSING AND INFORMATION SERVICES;

- $7.3 MILLION FROM INCOME TAX CHANGES, INCLUDING TAXING LOTTERY WINNINGS AND REQUIRING FEDERAL DEDUCTION METHODS TO BE USED IN CALCULATING DISTRICT INCOME TAXES; AND

- $19.1 MILLION IN OTHER TAXES, INCLUDING INCREASES IN DEED RECORDATION AND TRANSFER TAXES AND AN ALCOHOLIC BEVERAGE TAX.

REVISED FISCAL YEAR 1989 OPERATING BUDGET

THE DISTRICT'S PROPOSED REVISED FISCAL YEAR 1989 GENERAL FUND BUDGET REQUEST FOR OPERATING EXPENSES IS $2,861,130,000, AN INCREASE OF $27,426,000 OVER THE ORIGINALLY APPROVED BUDGET OF $2,833,704,000. THE NET CHANGE REFLECTS REQUESTED INCREASES OF $106.3 MILLION OFFSET BY RESCISSIONS OF BUDGET AUTHORITY TOTALLING $78.9 MILLION AND INCREASED REVENUES OF $27.4 MILLION.

VIRTUALLY THE SAME SPENDING PRESSURES THAT WERE CARRIED OVER FROM FISCAL YEAR 1988 AND ARE AFFECTING FISCAL YEAR 1990 REQUIREMENTS ARE ALSO THE DRIVING FORCES BEHIND OUR ADDITIONAL, UNBUDGETED SPENDING NEEDS FOR THE CURRENT YEAR. OF THE $106.3 MILLION IN UNMET SPENDING NEEDS, $69.6 MILLION REPRESENTS INCREASES IN SUPPORT FOR PUBLIC SAFETY AND HUMAN SERVICES NEEDS.

PUBLIC SAFETY

IN THE PUBLIC SAFETY APPROPRIATION TITLE, INCREASES TOTALLING $29.3 MILLION ARE REQUESTED PRIMARILY TO PROVIDE FOR ADDITIONAL COURT SYSTEM REQUIREMENTS; AN INMATE POPULATION THAT HAS RISEN BY OVER 3,000 FROM THE ORIGINALLY BUDGETED LEVEL OF 8,773; OVERTIME REQUIREMENTS IN THE FIRE DEPARTMENT TO SUSTAIN 5-PERSON, 2-PIECE ENGINE COMPANIES; AND ADEQUATE FUNDING FOR SETTLEMENTS AND JUDGMENTS TO MEET LITIGATION DEMANDS AND THE GROWING SIZE OF PLAINTIFF AWARDS.

HUMAN SUPPORT SERVICE

IN HUMAN SUPPORT SERVICES, AN INCREASE OF $39.3 MILLION IS REQUESTED FOR THE DEPARTMENT OF HUMAN SERVICES TO MEET A VARIETY OF PRESSING NEEDS, INCLUDING DRUG TREATMENT AND PREVENTION, SHELTER FOR THE HOMELESS, YOUTH SERVICES, DAY CARE, FOSTER CARE, MEDICAID, EMERGENCY ASSISTANCE, AND AIDS HEALTH AND EDUCATIONAL PROGRAMS.

OTHER INCREASES

OTHER MAJOR INCREASES INCLUDE $3.8 MILLION FOR THE PUBLIC SCHOOLS, $6.9 MILLION TO BOOST THE TENANT ASSISTANCE PROGRAM (TAP), AND $5.4 MILLION IN HIGHER-THAN-EXPECTED SUPPORT COSTS FOR THE WMATA BUS SERVICE SUBSIDY. ALMOST $15 MILLION IS BUDGETED FOR REPAYMENT OF THE GENERAL FUND DEFICIT.

REVENUE FOR THE REVISED FISCAL YEAR 1989 BUDGET

THE INCREASED REVENUES TO SUPPORT THE REVISED BUDGET REQUEST INCLUDE HIGHER-THAN-ANTICIPATED PROPERTY TAXES, THE PLANNED SALE OF SURPLUS PROPERTY, AND THE REVENUE FROM THE NEW MEASURES USED TO BALANCE THE FISCAL YEAR 1990 BUDGET. THOSE REVENUE ENHANCEMENTS, WHICH ARE EXPECTED TO BECOME EFFECTIVE THE FINAL QUARTER OF FISCAL YEAR 1989, PRIMARILY REFLECT PROPOSED CHANGES IN THE TAX BASE FOR SALES, INCOME, AND OTHER TAXES.

CAPITAL BUDGET AUTHORITY REQUESTS

FISCAL YEAR 1990 CAPITAL BUDGET

THE GENERAL FUND CAPITAL BUDGET AUTHORITY REQUEST FOR FISCAL YEAR 1990 TOTALS $114,350,000. MAJOR ELEMENTS OF THAT REQUEST ARE AS FOLLOWS:

- $72 MILLION FOR PRISON CONSTRUCTION AND IMPROVEMENTS AT LORTON, INCLUDING $45 MILLION FOR A MEDIUM-SECURITY FACILITY, $22 MILLION TO IMPLEMENT PHASE I OF THE DEPARTMENT OF CORRECTIONS' MASTER PLAN FOR FACILITY REPLACEMENT, AND $5 MILLION FOR GENERAL FACILITY IMPROVEMENTS;

- $35.7 MILLION FOR PUBLIC WORKS, INCLUDING $32.5 MILLION FOR BRIDGE REHABILITATION, ROADWAY IMPROVEMENTS, AND OTHER TRANSPORTATION-RELATED CONSTRUCTION AND $2.9 MILLION FOR ENVIRONMENTAL FACILITIES;

- $2.6 MILLION PRIMARILY FOR A NEW RECREATION CENTER AT THE MCMILLAN RESERVOIR SITE; AND

- $4 MILLION FOR HOSPITAL EQUIPMENT.

A WATER AND SEWER FUND CAPITAL REQUEST OF $29,700,000 IS FOR PUMPING STATION AND SEWER LINE RENOVATIONS.

REVISED FISCAL YEAR 1989 CAPITAL BUDGET

THE REVISED GENERAL FUND CAPITAL BUDGET AUTHORITY REQUEST IS FOR A NET INCREASE OF $115,972,000 IN ADDITIONAL AUTHORITY, REPRESENTING NEW AUTHORITY OF $132,140,000 AND RESCISSIONS OF AUTHORITY TOTALING $16,168,000. THE REVISED BUDGET FEATURES THE FOLLOWING NEW AUTHORITY REQUESTS:

- $77.8 MILLION FOR CORRECTIONAL FACILITIES, INCLUDING $25 MILLION FOR CONSTRUCTION OF A JAIL IN THE JUDICIARY SQUARE AREA AND $52.8 MILLION FOR IMPROVEMENTS AT THE LORTON RESERVATION;
- $13.0 MILLION FOR PUBLIC HOUSING RENOVATIONS;
- $5.0 MILLION TO PROVIDE TRANSITIONAL HOUSING FOR THE HOMELESS;
- $15.0 MILLION TO PURCHASE AND INSTALL A NEW COMPUTER-ASSISTED DISPATCH SYSTEM FOR THE AMBULANCE SERVICE AND REPLACE ENGINE COMPANY NO. 5;
- $4.1 MILLION FOR SHELTERS FOR THE HOMELESS AND RELATED GENERAL IMPROVEMENTS; AND
- $4.3 MILLION FOR THE RENOVATION OF FACILITIES FOR SENIORS.

SUMMARY

MR. CHAIRMAN, AS I END MY PRESENTATION, I WILL BE PRESUMPTUOUS AND POINT OUT WHAT IS OBVIOUS TO US ALL. I WOULD REMIND THE COMMITTEE THAT WHILE WE ARE DISCUSSING NUMBERS AND FIGURES AND PROGRAMS, WE ARE REALLY TALKING ABOUT PEOPLE, ESPECIALLY THOSE RESIDENTS OF THE DISTRICT WHO MOST DEPEND ON THEIR GOVERNMENT FOR SERVICES.

THE NUMBERS AND FIGURES AND PROGRAMS I HAVE PRESENTED TO YOU DIRECTLY AFFECT THE QUALITY OF LIFE FOR MANY IN OUR CITY--THEIR SAFETY, THEIR HEALTH, THEIR EDUCATION, THEIR NUTRITION, THEIR EMPLOYMENT OPPORTUNITIES, AND THEIR WELFARE. AS THE FEDERAL GOVERNMENT HAS HAD TO REORDER ITS PRIORITIES BECAUSE OF THE FEDERAL DEFICIT AND GRAMM-RUDMAN-HOLLINGS, SO THE DISTRICT GOVERNMENT HAS HAD TO SHIFT ITS PRIORITIES BECAUSE OF ITS RESOURCE PROBLEMS, INCLUDING A FEDERAL PAYMENT THAT IS SHRINKING IN REAL TERMS, AND SPENDING INCREASES FOR PUBLIC SAFETY, EDUCATION, AND HUMAN SERVICES. IN PARTICULAR, THE PROLIFERATION OF DRUGS AND DRUG-RELATED CRIME HAS HAD ON THE DISTRICT A TREMENDOUS FISCAL AND HUMAN IMPACT.

TODAY THE FEDERAL GOVERNMENT SPENDS SEVEN TIMES AS MUCH ON INTEREST ON THE FEDERAL DEBT AS IT DOES ON EDUCATION. AND ACCORDING TO THE NATIONAL LEAGUE OF CITIES, FEDERAL EXPENDITURES FOR PRIORITY MUNICIPAL PROGRAMS--HOUSING, JOBS, TRANSPORTATION, ECONOMIC AND COMMUNITY DEVELOPMENT, AND REVENUE SHARING--HAVE DECLINED 72 PERCENT IN THE LAST DECADE. NEVERTHELESS, CITIES HAVE HAD TO KEEP OPERATING AND KEEP PROVIDING SERVICES.

THE DISTRICT'S PROBLEMS ARE NO DIFFERENT FROM THOSE BEING EXPERIENCED BY SEATTLE, HOUSTON, OR ATLANTA. WE ALL HAVE THE PROBLEMS OF HOMELESSNESS, DRUG ABUSE, SUBSTANDARD HOUSING, AND A DETERIORATING INFRASTRUCTURE. AND THE DISTRICT OF COLUMBIA, LIKE OTHER CITIES, FINDS ITSELF FORCED TO MAKE HARD DECISIONS AND TO SHIFT PRIORITIES.

MR. CHAIRMAN, THE BUDGET REQUESTS I HAVE PRESENTED TODAY EXTEND THE DISTRICT'S HOME-RULE RECORD OF COMPETENT, COMPASSIONATE, AND PROGRESSIVE GOVERNMENT. THESE ARE FISCALLY RESPONSIBLE PROPOSALS THAT TACKLE THOSE TOUGH DECISIONS HEAD-ON. THEY RECOGNIZE THE NEED TO TRIM EXPENDITURES, PARTICULARLY FOR PERSONNEL, BUT THEY ALSO FACE UP TO THE DEMANDS OF DEFICIT RETIREMENT AND THE NEED FOR MORE REVENUE TO MEET FUNDAMENTAL COMMITMENTS FOR PUBLIC SAFETY, CRIMINAL JUSTICE, AND HUMAN SUPPORT SERVICES.

THESE BUDGETS HAVE THE FULL SUPPORT OF THE EXECUTIVE AS WELL AS THE COUNCIL, AND WE URGE THEIR ADOPTION BY THE COMMITTEE. I THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU AND AM PREPARED TO ANSWER ANY QUESTIONS YOU MAY HAVE.

Senator **Fowler**. With that litany, Mr. Mayor, I do think you ought to be commended that your police force does give more tickets per capita to U.S. Senators. [Laughter.]

Than any other force in the country.

Mayor **Barry**. Well, there are no other U.S. Senators anywhere else except in your own home States. We do have an excellent parking enforcement——

Senator **Gramm**. Are they paying their tickets? It is the closure rate we are concerned about. Are they paying them?

Senator **Fowler**. We pay them.

Senator **Gramm**. That is called an insurance policy. I am going to see how many times I change my license plates to disguise my identity.

Mayor **Barry**. We do have a very good parking enforcement program—among the best in the Nation—and we only give tickets to those who violate the parking regulations. [Laughter.]

Senator **Adams**. Thank you, Mr. Mayor.

COUNCIL OF THE DISTRICT OF COLUMBIA

Mr. Clarke, why don't you proceed with your statement at this time and we will ask questions to you and the various staff that are accumulated.

Chairman **Clarke**.

Mr. **Clarke**. Thank you very much, Mr. Chairman. I am joined today by the intergovernmental liaison officer of the City Council, Richard Clark, on my far right, and by Arthur Blitzstein, and he is the Budget Director of the council. I am very pleased to be here to address the District of Columbia's 1989 supplemental budget request and the 1990 budget request as enacted by the council on March 21, 1989, and signed by the Mayor on April 6, 1989.

These budgets were enacted after a comprehensive review involving many hearings. You can pick up our hearings, if you want, on channel 16 of your cable sets. They are not to my house, but I understand the Capitol is wired even if my house is not. And the council's standing committees have carefully reviewed these requests.

PREPARED STATEMENT AND REPORTS

I have brought with me the reports of the various standing committees as well as the final report on the budget, and I would ask that they be made a part of the record.

Senator **Adams**. Without objection it is so ordered.

[The information follows:]

STATEMENT OF DAVID A. CLARKE

MR. CHAIRMAN, AND OTHER DISTINGUISHED MEMBERS OF THIS SUBCOMMITTEE, I AM DAVID A. CLARKE, CHAIRMAN OF THE COUNCIL OF THE DISTRICT OF COLUMBIA. IT IS WITH GREAT PLEASURE THAT I APPEAR BEFORE YOU ON BEHALF OF THE COUNCIL TO TESTIFY ON THE DISTRICT OF COLUMBIA'S FISCAL YEAR 1989 SUPPLEMENTAL BUDGET AND THE FISCAL YEAR 1990 BUDGET REQUESTS AS ENACTED BY THE COUNCIL ON MARCH 21, 1989, AND SUBSEQUENTLY SIGNED BY THE MAYOR.

THE BUDGETS THAT WERE ENACTED BY THE COUNCIL REFLECT THE PRODUCT OF AN INTENSE AND COMPREHENSIVE REVIEW. MANY HEARINGS WERE HELD DURING THE BUDGET REVIEW PROCESS. THE COUNCIL'S STANDING COMMITTEES CAREFULLY REVIEWED THE BUDGET REQUESTS OF THE AGENCIES UNDER THEIR PURVIEW, AND MADE SURGICAL AND TACTICAL CHANGES, WHICH WERE CAREFULLY THOUGHT OUT. MANY OF THESE CHANGES WERE THE RESULT OF THE COUNCIL'S ANALYSIS OF PAST SPENDING PATTERNS AND OTHER SUPPORTIVE DOCUMENTATION. LONG HOURS WERE PUT INTO THE BUDGET REVIEW PROCESS, IN ORDER THAT IN THE FINAL ANALYSIS, WE COULD PRESENT BALANCED BUDGETS. SPEAKING ON BEHALF OF THE COUNCIL, I AM PROUD TO PRESENT BOTH THE FISCAL YEAR 1989 SUPPLEMENTAL BUDGET, AND THE FISCAL YEAR 1990 BUDGET, TO THIS SUBCOMMITTEE.

I HAVE BROUGHT WITH ME THE REPORTS OF THE COUNCIL'S STANDING COMMITTEES AS WELL AS THE FINAL REPORT ON THE BUDGET AND I WOULD ASK THAT THEY BE MADE A PART OF THE RECORD.

THE FISCAL YEAR 1989 SUPPLEMENTAL REQUEST INCREASES THE ORIGINAL BUDGET BY $27 MILLION. WITH THIS REQUESTED INCREASE, THE FISCAL YEAR 1988 GENERAL FUND OPERATING BUDGET WILL BE OVER $2.8 BILLION.

THE FISCAL YEAR 1990 BUDGET, ENACTED BY THE COUNCIL TOTALS OVER $3 BILLION IN BUDGET AUTHORITY. A TOTAL OF $3.07 BILLION IS

ALLOCATED TO THE DISTRICT'S GENERAL FUND, $252 MILLION TO CAPITAL OUTLAY WITHIN THE GENERAL FUND, AND $199 MILLION TO THE WATER AND SEWER ENTERPRISE FUND FOR OPERATIONS AND CAPITAL CONSTRUCTION. THE COUNCIL ALSO ALLOCATED $8.6 MILLION TO THE LOTTERY AND CHARITABLE GAMES CONTROL BOARD FOR ITS OPERATING NEEDS, AND CONTINUES TO SUPPORT A CABLE TELEVISION ENTERPRISE FUND WITH ESTIMATED REVENUES TOTALING $1.6 MILLION TO OVERSEE AND COORDINATE THE PROCESS OF BRINGING CABLE COMMUNICATIONS TO RESIDENTS OF THE NATION'S CAPITAL.

VARIOUS MEASURES WERE TAKEN BY THE MAYOR AND THE COUNCIL TO REDUCE THE PERSONAL SERVICES BUDGET, BOTH IN THE FISCAL YEAR 1989 SUPPLEMENTAL BUDGET AND IN THE FISCAL YEAR 1990 BUDGET. IN THE FISCAL YEAR 1989 SUPPLEMENTAL THE MAYOR PROPOSED ADJUSTMENTS TO THE PERSONAL SERVICES BUDGET THROUGH THE FOLLOWING MEASURES:

1. A REDUCTION OF 1,273 POSITIONS IN THE AGENCIES UNDER HIS DIRECT CONTROL, EXCLUDING POLICE, FIRE AND CORRECTIONS,
2. A SAVINGS OF $14 MILLION TO BE REALIZED FROM A SEVEN DAY EMPLOYEE FURLOUGH,
3. A SAVINGS OF $10.4 MILLION TO BE ACHIEVED THROUGH EARLY RETIREMENTS. THE MAYOR ESTIMATED THAT THE DISTRICT WOULD SAVE $10.4 MILLION IN FISCAL YEAR 1989 AS A RESULT OF A 20% ACCEPTANCE OF THE "EARLY OUT" RETIREMENT OPTION BEING OFFERED DISTRICT EMPLOYEES WHO ARE PARTICIPANTS IN THE CIVIL SERVICE RETIREMENT SYSTEM,
4. A REDUCTION OF $6.4 MILLION TO REFLECT A DECISION TO NOT RENEW 50% OF ALL TERM EMPLOYEES AND 75% OF ALL TEMPORARY AS THEIR APPOINTMENTS EXPIRE, AND
5. A SALARY LAPSE OF $2.4 MILLION.

WHILE THE COUNCIL REJECTED THE REQUEST FOR AN EMPLOYEE FURLOUGH, IT SUPPORTED THE MAYOR'S PROPOSALS TO ELIMINATE POSITIONS, TO SAVE THROUGH THE EARLY OUT RETIREMENT, NOT TO RENEW THE TERM AND TEMPORARY EMPLOYEES AND TO ALLOW FOR A SALARY LAPSE. HOWEVER, THE COUNCIL INCREASED THE SALARY LAPSE ESTIMATE BY $2.1 MILLION TO REFLECT A 2.5% LAPSE RATE SAVING A TOTAL OF $4.5 MILLION. IN SHORT, THE COUNCIL ACTED TO NOT CUT BACK ON CONTRACTS NEGOTIATED BY CURRENT EMPLOYEES BUT TO CUT BACK ON HIRING OF NEW EMPLOYEES. IN ADDITION, THE COUNCIL APPROVED A MEASURE IN THE FISCAL YEAR 1989 BUDGET TO REDUCE THE TOTAL NUMBER OF FULL TIME POSITIONS ABOVE DS-10, BY 318.

WITH RESPECT TO THE PERSONAL SERVICE ADJUSTMENTS MADE IN THE FISCAL YEAR 1990 BUDGET, THE MAYOR PROPOSED:

1. $6.4 MILLION SAVINGS TO BE SAVED FROM MAINTAINING THE POLICY OF NONRENEWAL FOR A PORTION OF THE TERM AND TEMPORARY EMPLOYEES,
2. A $2.4 MILLION SAVINGS THROUGH SALARY LAPSE, AND
3. A $10.4 MILLION SAVINGS THROUGH EARLY OUT RETIREMENT.

THE COUNCIL APPROVED THESE MAYORAL PROPOSALS BUT ALSO TOOK A SERIES OF STEPS TO FURTHER REDUCE PERSONNEL EXPENSES IN THE FISCAL YEAR 1990 BUDGET THROUGH THE FOLLOWING ADDITIONAL CHANGES:

1. THE COUNCIL INCREASED THE SAVINGS TO BE REALIZED THROUGH THE EARLY OUT RETIREMENT BY $5 MILLION WHICH WOULD CAUSE THE POSITIONS VACATED THROUGH EARLY OUTS TO BE HELD OPEN, ON THE AVERAGE, THREE QUARTERS OF THE FISCAL YEAR. IN PRACTICE, THIS MAY LEAD TO THE ELIMINATION OF MANY OF THE POSITIONS AS THE MAYOR FINDS THAT

SOME POSITIONS MUST BE COMPLETELY ELIMINATED SO THAT OTHERS MIGHT BE FILLED.

2. IN ORDER TO PLACE A LIMIT ON HIRING, THE COUNCIL INCLUDED LANGUAGE IN THE BUDGET ACT, STATING THAT THE EXECUTIVE BRANCH LIMIT NEW HIRING IN AGENCIES UNDER THE CONTROL OF THE MAYOR TO POSITIONS WHICH ARE TO BE FILLED BY PRESENT EMPLOYEES CURRENTLY AT THE SAME GRADE OR LOWER, UNLESS THE CITY ADMINISTRATOR CERTIFIES TO THE COUNCIL ON A MONTHLY BASIS, EACH POSITION IS NECESSARY FOR THE FULFILLMENT OF AN IDENTIFIED ESSENTIAL GOVERNMENT FUNCTION AND WHICH CANNOT BE FILLED FROM WITHIN THE GOVERNMENT. THE COUNCIL EXEMPTED THE METROPOLITAN POLICE DEPARTMENT FROM THE HIRING FREEZE.
3. AS A RESULT OF THIS HIRING FREEZE, THE COUNCIL INCREASED THE SAVINGS REQUIRED THROUGH SALARY LAPSE TO REFLECT A 2.5% LAPSE RATE. THE TOTAL SAVINGS FROM LAPSE WAS RAISED BY THE COUNCIL TO $9.8 MILLION.

I WOULD BE REMISS IF I DID NOT DISCUSS THE DISTRICTS SEVERE DRUG EPIDEMIC AND IT'S IMPACT ON THE FISCAL YEAR 1989 SUPPLEMENTAL AND FISCAL YEAR 1990 BUDGETS. IN MY TESTIMONY BEFORE THIS SUBCOMMITTEE, WHICH WAS PRESENTED AT A HEARING ON APRIL 4TH, AND IN MY TESTIMONY PRESENTED BEFORE THE HOUSE SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH, HELD ON APRIL 13TH, I OUTLINED ALL THE ACTIONS TAKEN BY THE MAYOR AND THE COUNCIL TO ERADICATE THE THE DISTRICT'S DRUG PROBLEM. I WILL BE DELIGHTED TO PROVIDE YOU WITH A COPY OF THAT TESTIMONY. AT THIS POINT IN TIME I THOUGHT THAT IT WOULD BE MOST APPROPRIATE TO HIGHLIGHT THE ACTIONS TAKEN IN THE BUDGETS FOR FISCAL YEARS 1989 AND 1990.

IN THE ORIGINAL FISCAL YEAR 1989 BUDGET, THE COUNCIL

INCREASED THE NUMBER OF SWORN POLICE OFFICERS BY 200 THROUGH CHANGES IN THE BUDGET OF THE POLICE DEPARTMENT. THIS WAS DONE AT THE SAME TIME THE COUNCIL REJECTED A REQUESTED TAX INCREASE OF $46.7 MILLION. THE CHANGES WERE, THEREFORE, CHANGES TO THE BASE AS PROPOSED BY THE MAYOR. WITH RESPECT TO THE DEPARTMENT OF CORRECTIONS, THE MAYOR PROPOSED A SUPPLEMENTAL BUDGET IN FISCAL YEAR 1989 WHICH CONTAINED NO TAX INCREASE AND NO GROWTH IN THE REVENUE BASE FOR THE FISCAL YEAR. THAT SUPPLEMENTAL BUDGET, HOWEVER, PROVIDED FOR A $19.5 MILLION INCREASE TO THE DEPARTMENT OF CORRECTIONS WHICH WAS ACHIEVED THROUGH BASE REDUCTIONS TO OTHER AGENCIES AND PROGRAMS.

IN FISCAL YEAR 1990, THE COUNCIL INCREASED THE NUMBER OF SWORN OFFICERS BY 300 THROUGH BASE CHANGES, WHILE REQUIRING NO TAX INCREASE. THIS 300 OFFICER INCREASE WAS FINANCED THROUGH TWO MAJOR CHANGES: FIRST, IN AN EFFORT TO REDIRECT FUNDS FOR POLICE OFFICERS, THE COUNCIL EXPANDED THE SAVINGS RESULTING FROM THE EARLY OUT RETIREMENT PROGRAM BY REQUIRING THAT POSITIONS VACATED BY THE EARLY OUT BE HELD OPEN, ON AVERAGE, LONGER THAN THE MAYOR HAD PROPOSED---KEEPING THEM OPEN THREE QUARTERS OF THE FISCAL YEAR. THIS ACTION ALONE FUNDED 160 OFFICERS. SECOND, ADDITIONAL FUNDING FOR THE 140 REMAINING OFFICERS CAME ABOUT AS A RESULT OF CUTBACKS MADE THROUGH BASE CHANGES TO PERSONAL AND NONPERSONAL BUDGETS.

THE INCREASE OF 500 OFFICERS IN THE TWO FISCAL YEARS REQUIRED NO TAX INCREASE. THE TAX INCREASE APPROVED BY THE COUNCIL FOR FISCAL YEAR 1990, WAS PRIMARILY FOR INCREASES TO EDUCATION, DEFICIT RETIREMENT AND PROGRAMS FOR THE HOMELESS AS WELL AS PROPERTY TAX RELIEF.

WITH RESPECT TO THE DEPARTMENT OF CORRECTIONS BUDGET FOR FISCAL YEAR 1990, AN ADDITIONAL $14.1 MILLION WAS APPROVED OVER THE FISCAL YEAR 1989 SUPPLEMENTAL INCREASE. THIS WAS

ACCOMPLISHED IN PART, THROUGH THE CARRY-OVER OF THE BASE REDUCTIONS IN OTHER AGENCIES AND PROGRAMS MADE IN THE FISCAL YEAR 1989 SUPPLEMENTAL BUDGET.

THE COUNCIL ALSO INCREASED THE BUDGET FOR DRUG FREE AND DRUG ABSTINENCE PROGRAMS BY $2.7 MILLION (OVER THE EXECUTIVE'S REQUEST). THE TOTAL BUDGET FOR DRUG TREATMENT PROGRAMS IS APPROXIMATELY $30 MILLION FOR FISCAL YEAR 1990.

IN OTHER AREAS OF THE BUDGET, FOR FISCAL YEAR 1990, THE COUNCIL PROVIDED THE FOLLOWING INCREASES OVER AND ABOVE THE EXECUTIVE'S REQUEST: $3.2 MILLION FOR THE HOMELESS PROGRAM; $2 MILLION FOR AIDS COMMUNITY BASED PATIENT CARE, PREVENTION AND EDUCATION; AND $20 MILLION FOR PUBLIC EDUCATION. IN OTHER RESPECTS, BOTH BUDGETS CONTINUE TO EMPHASIZE THE PRIORITIES OF THE COUNCIL AND MAYOR. THERE ARE ALLOCATIONS FOR INCREASED PROGRAM RESOURCES FOR YOUTH, THE ELDERLY, THE DISABLED, THE SICK, THE INFIRM, THE MENTALLY ILL, THE UNEMPLOYED AND UNDEREMPLOYED, TENANT ASSISTANCE, PUBLIC EDUCATION AND PUBLIC SAFETY. THE COUNCIL ALSO PROVIDED AN INCREASE FOR THE DRUG REHABILITATION PROGRAMS. THE INCREASES PROVIDED FOR DRUG REHABILITATION WERE A PRIORITY FOR THE COUNCIL.

AFTER A CAREFUL REVIEW OF THE CITY'S BUDGET PROPOSALS, THE COUNCIL AGREED TO A BUDGET LEVEL THAT WOULD REQUIRE ADDITIONAL REVENUE IN FISCAL YEAR 1989 AND FISCAL YEAR 1990. THE REVENUE PLAN, AGREED TO BY THE MEMBERS OF THE COUNCIL, PROVIDES FOR AN ADDITIONAL $17.6 MILLION TO BE GENERATED IN FY 1989 AND A TOTAL OF $78 MILLION TO BE GENERATED IN FY 1990.

THE COUNCIL ALSO AGREED TO SUPPORT A MEASURE THAT WOULD PROVIDE TAX RELIEF FOR HOMEOWNERS IN THE DISTRICT. THE MEASURE REDUCED THE REAL PROPERTY TAX RATE FROM $1.22 PER $100 OF ASSESSED VALUE TO $1.06 AT A COST OF $25.2 MILLION. THE PROPERTY

TAX RELIEF IS ONE OF THE ITEMS TO BE FINANCED BY THE $78 MILLION IN NEW TAXES WHICH INCLUDE TAXATION OF RESTAURANT MEALS, HOTELS, DATA PROCESSING AND INFORMATION SERVICES, ALCOHOL, DEED RECORDATION AND TRANSFER TAXES AND MOTOR VEHICLE FUEL. THE LEGISLATION TO INCREASE TAXES AND TO PROVIDE PROPERTY TAX RELIEF IS EXPECTED TO BE APPROVED BY THE COUNCIL THIS MONTH.

WITH RESPECT TO THE FEDERAL PAYMENT, OVER THE PAST TWO YEARS, CONGRESS HAS MAINTAINED THE SAME LEVEL OF APPROPRIATION FOR THE DISTRICT GOVERNMENT. THIS AMOUNT HAS BEEN $430.5 MILLION AND IS SET AT THAT SAME AMOUNT IN FISCAL YEAR 1990. A PAYMENT OF $430.5 IS $14 MILLION LESS THAT THE PAYMENT LEVEL IN FISCAL YEAR 1987 AND NOW ACCOUNTS FOR JUST 14.1% OF THE OPERATING BUDGET. MORE IMPORTANTLY, THE FEDERAL PAYMENT IS ONLY 29% OF THE TAX REVENUE FOREGONE AS A RESULT OF THE FEDERAL PRESENCE (SEE APPENDIX A). IT IS FOR THESE REASONS THAT I HOPE THAT THIS SUBCOMMITTEE WILL MAKE EVERY EFFORT TO INCREASE THE FEDERAL PAYMENT THAT IS ALLOTTED TO THE DISTRICT OF COLUMBIA GOVERNMENT ON AN ANNUAL BASIS.

THE COUNCIL HAS AMENDED THE MAYOR'S PROPOSAL TO PROVIDE FOR A GREATER REPAYMENT OF A PORTION OF THE GENERAL FUND DEFICIT. IN THE FISCAL YEAR 1989 SUPPLEMENTAL BUDGET, A TOTAL OF $14.9 MILLION WAS ALLOCATED TOWARD REPAYMENT OF THE GENERAL FUND DEFICIT. THIS IS A $4.9 MILLION INCREASE OVER THE EXECUTIVE'S REQUEST. IN THE FISCAL YEAR 1990 BUDGET, THE COUNCIL APPROPRIATED A TOTAL OF $19.5 MILLION FOR REPAYMENT OF THE GENERAL FUND DEFICIT. THIS AMOUNT IS A $9.5 MILLION INCREASE OVER THE EXECUTIVE'S REQUEST.

THE ENTIRE BUDGET PROCESS WAS UNDERTAKEN WITHIN THE CONTEXT OF GREAT UNCERTAINTY DUE TO THE POTENTIAL REDUCTIONS STEMMING FROM FEDERAL BUDGET REDUCTIONS CAUSED BY EITHER SPECIFIC PROGRAM CHANGES OR THE AUTOMATIC CUTS OF GRAMM-RUDMAN-HOLLINGS. UNLIKE OTHER CITIES -- WHERE LOSSES MAY

BE REPLACED BY STATE RESOURCES -- THE DISTRICT HAS NO STATE CAPITAL TO TURN TO. WE ARE A STATE, COUNTY AND LOCAL GOVERNMENT AND AS SUCH, MAY BE HURT MORE THAN OTHER URBAN COMMUNITIES WHO CAN LOOK TO OTHER SOURCES FOR RELIEF. MOREOVER, SPENDING IN SEVERAL MANDATED PROGRAM AREAS SUCH AS PENSIONS, THE CORRECTIONAL SYSTEM, AND DEBT SERVICE CONTINUE TO ESCALATE AND REQUIRE THAT PROGRAM EXPANSIONS AND NEW INITIATIVES MUST BE RESTRAINED.

A LOOMING PROBLEM ALSO CONTINUES TO HAUNT THE DISTRICT AND THAT IS THE UNFUNDED PENSION LIABILITY WHICH STANDS AS $4.5 BILLION. OF THAT AMOUNT, $4.4 BILLION IS ATTRIBUTABLE TO THE PERIOD BEFORE HOME RULE. YET IN THE YEAR 2005 THE SPECIAL FEDERAL PAYMENT OF $52.1 MILLION PER-YEAR WILL END AND THE DISTRICT'S PAYMENT WILL INCREASE DRAMATICALLY. I WOULD ASK THIS COMMITTEE TO CONSIDER SUPPORTING A LEGISLATIVE SOLUTION TO THIS POTENTIALLY DEVASTATING PROBLEM.

THUS WHILE THE FISCAL YEAR 1990 BUDGET PROVIDES PROGRAM INCREASES TARGETED TO PEOPLE IN NEED, INCLUDING INCREASED RESOURCES FOR HOUSING, PUBLIC ASSISTANCE, FOSTER CARE, DAY CARE, EDUCATION, AND POLICE AND FIRE PROTECTION, IT DOES NOT EXPLICITLY ANTICIPATE THE DIFFICULTIES WHICH MAY BEFALL THE DISTRICT THROUGH FEDERAL CHANGES.

AS WE APPROACH ANOTHER YEAR IN WHICH CONGRESS REVIEW'S THE DISTRICT'S BUDGET, I, ALONG WITH OTHER MEMBERS OF THE COUNCIL, LOOK FORWARD TO WORKING WITH YOU. THE COUNCIL'S BUDGET STAFF WILL BE DELIGHTED TO PROVIDE YOU WITH ANY ADDITIONAL INFORMATION THAT YOU MAY NEED. AS A RESULT OF THE TEAMWORK THAT IS TO BE DISPLAYED BY CONGRESS, THE MAYOR, AND THE COUNCIL, I AM CERTAIN THAT THERE IS NO ISSUE THAT CANNOT BE

RESOLVED AND NO COMPROMISE THAT CANNOT BE REACHED, IN ORDER TO PRODUCE A PRODUCT THAT WE ALL CAN BE PLEASED WITH...A PRODUCT THAT WE ALL CAN BE PROUD OF...A PRODUCT THAT MEETS THE OVERALL NEEDS OF THE CITIZENRY.

THIS CONCLUDES MY TESTIMONY, MR. CHAIRMAN. I WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

[CLERK's NOTE.—The report of the committee of the whole of the District council on the D.C. government's fiscal year 1989 supplemental budget requests, and fiscal year 1990 budget requests follow. Also included is appendix A of the District's budget document concerning the Federal payment.

The individual council committee reports are held in committee files.]

TO:	Members of the Council
FROM:	David A. Clarke, Chairman Committee of the Whole
DATE:	March 21, 1989
SUBJECT:	Bill 8-162, the "Fiscal Year 1989 Supplemental Budget and Recissions of Authority Request Act of 1989"

The Committee of the Whole, to which this bill was referred, reports on the measure, and recommends its approval by the Council. All budget and revenue numbers in this report are in thousands of dollars unless otherwise noted.

PURPOSE OF THIS BILL

Bill 8-162 makes adjustments to the Fiscal Year 1989 appropriated operating and capital budget authority of the District Government.

CAPSULE LEGISLATIVE HISTORY

February 8, 1989	Bill 8-162 transmitted to the Council by the Mayor
February 8, 1989	Bill 8-162 introduced by Chairman David A. Clarke at the request of the Mayor
February 8, 1989	Bill 8-162 referred to the Committee of the Whole
February 10, 1989	Committee of the Whole briefing on the FY 1990 Budget by the Deputy Mayor for Finance
February 13, through March 6, 1989	Committee public hearings on Bill 8-162
February 17, 1989	Notice of introduction of Bill 8-162 published in the D.C. Register
March 6 through March 10, 1989	Mark-up of agency budget recommendations by the standing committees
March 21, 1989	Committee of the Whole mark-up of Bill 8-162
March 21, 1989	Scheduled Council vote and adoption of Bill 8-162, as amended, at an additional legislative meeting

BACKGROUND AND NEED FOR THIS BILL

Section 442(c) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, (87 Stat. 798; D. C. Code, sec. 47-301(c)), allows the Mayor to submit to the Council proposed supplemental or deficiency budget recommendations which are, in his or her judgment, necessary to address the fiscal impact of laws enacted subsequent to the transmission to the Congress of a given fiscal year's budget, or otherwise in the public interest.

The original Fiscal Year 1989 operating budget approved by the Congress totaled $2,833,704. The Supplemental Request would increase the Fiscal Year 1989 budget to $2,845,076, a net increase of $11,372.

GENERAL DISCUSSION OF THE FISCAL YEAR 1989 SUPPLEMENTAL BUDGET REQUEST

The Supplemental Budget Request for Fiscal Year 1989 presents the District Government with the opportunity to reshape the District's budget based on the knowledge of actual spending and revenue collection patterns.

The specific agency changes proposed by the Mayor's Supplemental Budget Request are displayed in the following appropriations title summary table.

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APPROPRIATIONS TITLE SUMMARY TABLE:

ACTUAL SPENDING FOR
FISCAL YEAR 1988

CURRENT FISCAL YEAR 1989 BUDGET

MAYOR'S SUPPLEMENTAL FISCAL YEAR 1989 BUDGET

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AGENCY / LINE ITEM	(A) ACTUAL FY88	(B) CURRENT FY89	(C) MAYOR'S FY89	(C-B) MAYOR'S FY89 CHANGE
GOVERNMENT DIRECTION & SUPPORT				
COUNCIL OF THE DISTRICT OF COLUMBIA(AB)	7,305	8,067	8,067	0
DISTRICT OF COLUMBIA AUDITOR (AC)	675	784	784	0
ADVISORY NEIGHBORHOOD COMMISIONS (DX)	1,138	1,172	1,172	0
OFFICE OF THE MAYOR (AA)	1,725	1,837	1,837	0
OFFICE OF THE SECRETARY (BA)	2,225	2,233	2,121	-112
OFFICE OF THE INSPECTOR GENERAL (AD)	1,379	1,576	1,529	-47
OFFICE OF COMMUNICATIONS (BB)	481	629	600	-29
INTERGOVERNMENTAL RELATIONS(BP)	2,640	2,470	2,398	-72
OFFICE OF THE CITY ADMINISTRATOR (AE)	1,219	1,445	1,402	-43
OFFICE OF PERSONNEL (BE)	16,388	16,549	15,644	-905
ADMINISTRATIVE SERVICES(AS)	32,280	31,551	28,761	-2,790
CONTRACT APPEALS BOARD (AF)	0	401	460	59
DEPUTY MAYOR FOR FINANCE (AT)	159	185	179	-6
OFFICE OF BUDGET (BC)	1,827	2,084	1,927	-157
OFFICE OF FINANCIAL MANAGEMENT (BF)	16,033	17,503	15,928	-1,575
DEPARTMENT OF FINANCE AND REVENUE (CA)	21,661	23,067	22,393	-674
BOARD OF ELECTIONS AND ETHICS (DL)	2,946	2,636	2,439	-197
OFFICE OF CAMPAIGN FINANCE (CJ)	1,162	1,129	1,095	-34
PUBLIC EMPLOYEES RELATIONS BOARD (CG)	250	297	297	0
OFFICE OF EMPLOYEES APPEALS (CH)	1,159	1,442	1,324	-118
DC RETIREMENT BOARD (DY)	763	807	807	0
METRO WASHINGTON COUNCIL OF GOVTS (EA)	364	370	370	0
STATEHOOD (CI)	150	150	150	0
BASEBALL COMMISSION (WS)	0	55	0	-55
TOTAL,GOVERNMENT DIRECTION & SUPPORT	$113,929	$118,439	$111,684	$-6,755
ECONOMIC DEVELOPMENT& REGULATION				
DEPUTY MAYOR ECONOMIC DEVELOPMENT (ED)	1,114	1,590	1,592	2
OFFICE OF PLANNING (BD)	3,418	3,877	3,683	-194
HOUSING & COMMUNITY DEVELOPMENT(DB)	11,233	19,384	14,416	-4,968
PUBLIC & ASSISTED HOUSING (PH)	17,724	23,019	18,266	-4,753
HOUSING ASSISTANCE FUND (PA)	0	0	22,800	22,800
DEPARTMENT OF EMPLOYMENT SERVICES (CF)	37,122	41,953	37,329	-4,624
BUSINESS & ECON DEVELOPMENT(EN)	2,787	6,960	5,412	-1,548
INTERNATIONAL BUSINESS (IB)	441	504	489	-15
MINORITY BUSINESS OPPORTUNITY COMM(EM)	994	1,110	1,046	-64
HOUSING FINANCE AGENCY (DZ)	2,869	2,238	1,126	-1,112
BOARD OF APPEALS & REVIEW (DK)	92	52	189	137
BOARD OF EQUALIZATION & REVIEW (DA)	188	167	162	-5
CONSUMER & REGULATORY AFFAIRS (CR)	33,644	37,534	33,276	-4,258
PUBLIC SERVICE COMMISSION (DH)	3,775	4,360	4,360	0
OFFICE OF PEOPLES COUNSEL (DJ)	1,580	1,868	1,868	0
TOTAL,ECONOMIC DEVELOPMENT& REGULATION	$116,981	$144,616	$146,014	$1,398
PUBLIC SAFETY & JUSTICE				
METROPOLITIAN POLICE DEPARTMENT (FA)	197,687	207,157	207,157	0
FIRE DEPARTMENT (FB)	84,097	86,488	91,514	5,026
POLICE AND FIRE RETIREMENT SYSTEM (FD)	114,635	120,600	120,600	0
JUDGES RETIREMENT SYSTEM (FG)	2,601	2,600	2,600	0
COURT OF APPEALS (FM)	4,057	4,398	4,398	0
SUPERIOR COURT (FC)	50,806	54,646	54,646	0
DC COURT SYSTEM (FN)	18,522	20,080	20,080	0
OFFICE OF THE CORPORATION COUNSEL (CB)	12,317	13,487	13,240	-247
SETTLEMENT OF CLAIMS AND SUITS (ZC)	13,986	10,608	18,900	8,292
PUBLIC DEFENDER SERVICE (FE)	5,222	5,583	5,583	0
PRETRIAL SERVICES AGENCY (FF)	2,435	3,054	2,881	-173
DEPARTMENT OF CORRECTIONS (FL)	194,527	193,855	213,355	19,500
BOARD OF PAROLE (DD)	3,931	5,068	4,978	-90
NATIONAL GUARD (FK)	991	1,255	1,255	0
OFFICE OF EMERGENCY PREPAREDNESS (BN)	2,307	2,702	2,702	0
COMM ON JUDICIAL DISABILITIES (DQ)	125	128	124	-4
JUDICIAL NOMMINATION COMMISSION (DV)	34	37	37	0
LAW REVISION COMMISSION (DW)	222	220	214	-6
OFFICE OF CRIMINAL JUSTICE PLANS (BQ)	1,491	2,241	2,182	-59
TOTAL,PUBLIC SAFETY & JUSTICE	$709,993	$734,207	$766,446	$32,239
PUBLIC EDUCATION SYSTEM				
PUBLIC SCHOOLS (GA)	432,753	452,403	455,803	3,400
TEACHERS RETIREMENT FUND (GX)	62,318	70,100	70,100	0
UNIV OF DISTRICT OF COLUMBIA (GF)	71,667	76,310	74,310	-2,000
EDUCATIONAL INSTITUTION LIC COMM (GH)	312	456	450	-6
PUBLIC LIBRARY (CE)	16,616	18,515	18,126	-389

AGENCY / LINE ITEM	(A) ACTUAL FY88	(B) CURRENT FY89	(C) MAYOR'S FY89	(C-B) MAYOR'S FY89 CHANGE
COMM ON THE ARTS & HUMANITIES (BX)	3,005	4,192	4,007	-185
PUBLIC SCHOOL OF LAW (LS)	1,814	1,948	1,948	0
TOTAL, PUBLIC EDUCATION SYSTEM	$588,485	$623,924	$624,744	$820
HUMAN SUPPORT SERVICES				
DEPARTMENT OF HUMAN SERVICES (JA)	617,868	616,555	631,726	15,171
DEPARTMENT OF RECREATION (HA)	31,188	34,900	31,420	-3,480
RECREATION PAY-AS-YOU-GO CAPITAL(HK)	0	950	547	-403
OFFICE ON AGING (BY)	11,438	13,699	13,699	0
DC GENERAL HOSPITAL SUBSIDY (JC)	41,930	50,933	44,430	-6,503
UNEMPLOYMENT COMPENSATION (BH)	3,693	2,940	5,887	2,947
DISABILITY COMPENSATION (BG)	18,237	17,000	20,611	3,611
OFFICE ON HUMAN RIGHTS (BR)	1,735	1,767	1,714	-53
OFFICE OF LATINO AFFAIRS (BZ)	1,628	2,084	1,980	-104
COMMISSION ON WOMEN (DP)	234	420	407	-13
DC ENERGY OFFICE (JF)	3,563	3,653	3,464	-189
TOTAL, HUMAN SUPPORT SERVICES	$731,514	$744,901	$755,885	$10,984
PUBLIC WORKS				
DEPARTMENT OF PUBLIC WORKS (PW)	106,251	106,727	98,965	-7,762
PW PAY-AS-YOU-GO CAPITAL (KB)	2,319	4,703	2,168	-2,535
TAXICAB COMMISSION (TC)	1,479	1,945	1,887	-58
WASH METRO AREA TRANSIT COMMISSION(KC)	86	86	86	0
WASH METRO AREA TRANSIT AUTHORITY (KE)	101,881	101,564	107,000	5,436
SCHOOL TRANSIT SUBSIDY (KD)	3,319	3,900	3,600	-300
TOTAL, PUBLIC WORKS	$215,335	$218,925	$213,706	$-5,219
FINANCING & OTHER USES				
WASHINGTON CONVENTION CENTER (ER)	6,758	7,274	7,874	600
REPAYMENT OF LOANS AND INTEREST (DS)	219,851	235,796	229,962	-5,834
REPAYMENT OF GENERAL FUND DEFICIT (ZA)	0	1,000	10,000	9,000
FURLOUGH SAVINGS (ZB)	0	0	-14,000	-14,000
TERMS TEMPS SAVINGS (ZD)	0	0	-6,400	-6,400
SALARY LAPSE (XC)	0	-2,747	-2,400	347
EARLY OUT SAVINGS (XB)	0	0	-10,400	-10,400
OPTICAL & DENTAL (PS)	2,572	2,569	2,569	0
INTEREST ON SHORT TERM BORROWING(ZF)	3,750	4,570	9,162	4,592
ENERGY ADJUSTMENT (ZZ)	0	-2,070	-2,070	0
INAUGURAL EXPENSES (SB)	0	2,300	2,300	0
TOTAL, FINANCING & OTHER USES	$232,931	$248,692	$226,597	$-22,095
TOTAL, GENERAL FUND	$2,709,168	$2,833,704	$2,845,076	$11,372
CAPITAL OUTLAY, GENERAL FUND	$278,866	$138,336	$255,616	$117,280
WATER & SEWER ENTERPRISE FUND				
UTILITY ADMINISTRATION (LC)	182,806	184,755	184,755	0
WASHINGTON AQUEDUCT (LB)	14,585	16,050	16,050	0
TOTAL, WATER & SEWER ENTERPRISE FUND	$197,391	$200,805	$200,805	$0
CAPITAL (H2O FUND)	$17,858	$24,200	$24,200	$0
LOTTERY ENTERPRISE FUND	$5,563	$8,050	$8,050	$0
CABLE TV ENTERPRISE FUND	$249	$1,000	$1,000	$0

Fiscal Year 1989 Supplemental

Revenue Estimate

The Mayor is estimating that the revenues in the current fiscal year will basically remain flat. Built upon this conservative estimate for the current fiscal year is the Fiscal Year 1990 estimate. While the Fiscal Year 1990 estimate contains growth that growth is stunted by the low estimate for Fiscal Year 1989 upon which it is built.

For the past four fiscal years the revised estimate of revenues which have accompanied the Mayor's supplemental budgets have contained increases of between $44 million and $78 million: much higher than the current revision. In addition, in six out of the last eight fiscal years, revenues have continued to grow even after the upward supplemental revision.

In the Table which follows, the supplemental revenue estimate changes are displayed for Fiscal Years 1981 through Fiscal Year 1989. Under the "total" line on the second page, additional changes are shown. The "additional changes" shown are the difference between the supplemental revenue estimate and the final collections for the entire general fund.

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REVENUE SUMMARY TABLE:

DISPLAY OF THE HISTORY
OF SUPPLEMENTAL REVENUE ESTIMATES
FOR FISCAL YEARS 1981
THROUGH FISCAL YEAR 1989

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SUPPLEMENTAL INCRE (ALL NUMBERS IN THOUSANDS)

REVENUE SOURCE	FY81	FY82	FY83	FY84	FY85	FY86	FY87	FY88	FY89
REAL PROPERTY TAXES	12,623	38,174	11,800	0	15,700	3,870	23,400	22,800	17,400
PERSONAL PROPERTY TAXES	1,200	2,200	700	7,900	2,200	800	3,600	1,700	-1,300
PUBLIC SPACE/VAULT TAX	0	0	0	0	2,900	900	700	100	2,100
TOTAL, PROPERTY TAXES	$13,823	$40,374	$12,500	$7,900	$20,800	$5,570	$27,700	$24,600	$18,200
TOTAL, GENERAL SALES & USE	$4,648	$24,660	$-22,000	$19,150	$24,660	$-900	$-15,800	$-7,300	$-7,100
ALCOHOLIC BEVERAGE TAX	-450	-530	-150	-900	-650	-350	200	-960	-20
CIGARETTE TAX	225	-175	-200	200	0	-400	699	550	-710
INSURANCE TAX	-800	-792	-400	-300	3,291	0	100	1,900	4,370
MOTOR VEHICLE FUEL TAX	0	1,350	3,380	2,000	1,500	-1,500	-1,802	1,200	3,760
MOTOR VEHICLE EXCISE TAX	-2,000	0	2,300	8,400	4,600	-400	2,198	800	-800
PUB UTILITY GROSS RECPTS	0	700	11,200	-7,000	-13,400	-1,600	-24,800	16,200	-20,900
BANK TAXES	0	600	-10,400	-2,400	-700	0	0	0	0
S & L TAXES	0	800	-1,600	-1,900	300	0	0	0	0
TOTAL, SELECTIVE SALES&USE	$-3,025	$1,953	$4,130	$-1,900	$-5,059	$-4,250	$-23,405	$19,690	$-14,300
INDIVIDUAL INCOME TAX	15,000	39,033	-16,000	-14,900	13,400	12,300	7,175	23,900	20,400
CORPORATION FRANCHISE	0	600	14,600	16,650	6,500	8,200	34,938	11,800	-30,968
UNICORP BUS FRANCHISE	0	3,340	0	5,350	4,080	8,300	2,533	-11,000	-6,259
ACCOUNTING ADJUSTMENT	0	0	0	0	0	0	0	27,151	0
TOTAL, INCOME TAXES	$15,000	$42,973	$-1,400	$7,100	$23,980	$28,800	$44,646	$51,851	$-16,827
INHERITANCE & ESTATE TAX	580	850	1,800	5,300	2,300	1,900	1,440	-2,300	6,400
DEED RECORDATION TAX	0	0	200	5,400	5,600	-1,300	8,800	5,200	100
DEED TRANSFER TAX	500	3,000	-2,650	5,650	3,100	-1,200	11,900	4,200	300
TOTAL, OTHER TAXES	$1,080	$3,850	$-650	$16,350	$11,000	$-600	$22,140	$7,100	$6,800
HOTEL OCCUPANCY TAX	0	0	0	0	0	1,400	-850	740	-780
FRANCHISE SURTAX	0	0	0	841	982	805	1,869	-4,390	-863
TOTAL, CONVENTION CENTER	$0	$0	$0	$841	$982	$2,205	$1,019	$-3,650	$-1,643

SUPPLEMENTAL INCREASE (ALL NUMBERS IN THOUSANDS)

REVENUE SOURCE	FY81	FY82	FY83	FY84	FY85	FY86	FY87	FY88	FY89
BUSINESS L & P	2,287	-66	-1,718	-745	-32	-964	290	384	-1,509
NONBUSINESS L & P	0	-279	91	-620	-1,050	-583	685	-1,571	2,124
CHARGES FOR SERVICES	-585	883	578	842	118	7,163	6,096	1,265	9,977
FINES & FORFEITURES	-2,762	-4,163	-3,166	-3,015	1,827	13,012	9,897	60	316
OTHER REVENUES	8,700	4,820	-9,906	-6,044	252	-2,154	-5,068	-4,834	8,052
LEGALIZED GAMBLING	-17,810	0	-3,185	-11,804	-3,901	5,099	-9,182	-6,634	1
TOTAL, NONTAX REVENUES	$-10,170	$1,195	$-17,306	$-21,386	$-2,786	$21,573	$2,718	$-11,330	$18,961
FEDERAL PAYMENT	0	0	0	0	0	-12,642	0	0	0
REVENUE SHARING	0	-488	-2,047	967	-698	-2,463	0	0	0
SPECIAL FEDERAL FUNDS	0	0	0	0	32,173	12,907	0	-1,000	0
TOTAL, FEDERAL SOURCES	$0	$-488	$-2,047	$967	$31,475	$-2,198	$0	$-1,000	$0
TOTAL, PENDING AUTHORITY	$-3,200	$-20,024	$1,619	$-17,640	$-31,432	$-5,260	$2,218	$-2,438	$6,460
TOTAL, TAX AMNESTY	$0	$0	$0	$0	$0	$0	$-10,000	$0	$0
TOTAL, GENERAL FUND	$18,156	$94,493	$-25,154	$11,382	$73,620	$44,940	$51,236	$77,523	10,551
ADDITIONAL CHANGE TO ACTUAL	$42,519	$-10,786	$15,152	$10,192	$28,410	$8,459	$9,595	$-20,474	

SUMMARY OF STANDING COMMITTEE RECOMMENDATIONS

Public Hearings

Each standing committee of the Council convened public hearing on the proposed budgets of the agencies for which they have oversight responsibility. The budget hearings occurred on the following dates:

Committee of the Whole: February 21

Committee on Consumer and Regulatory Affairs: February 21

Committee on Public Services: February 27

Committee on Finance and Revenue: February 13

Committee on Government Operations: March 2

Committee on Housing and Economic Development: February 28 and March 1, 2, 3 and 6

Committee on Human Services: February 16, 22 and 23

Committee on the Judiciary: February 15 and 24

Committee on Education and Libraries: February 13 and 17

Committee on Public Works: February 14

Mark-ups

The standing committees of the Council recommended net decrease to the budget requested by the Mayor of $2,139. The reports of the standing committees are attached to this report and are a part of this report. A summary of the Committee actions follows:

Committee of the Whole

The Committee recommended an overall net decrease of $3,399, affecting the following line-items under its purview:

1. Deficit Repayment, decrease of $5,000.
2. Energy Adjustment, decrease of 349.
3. Furlough Avoidance, increase of $1,950.

The Committee redirected $3,045 of the savings it identified in the following manner:

1. $750 redirected to restore the reduction to the food for the homeless program
2. $808 redirected to restore one-half of the reduction to the AIDS budget
3. $1,487 redirected to restore the reduction to the drug treatment programs

Committee on Finance and Revenue

The Committee on Finance and Revenue deleted a vacant position within the Department of Finance Revenue. The vacant Deputy Director (DS-15) position remained unfilled since December 1, 1982. The Committee abolished this position for a savings of $60. This dollar savings is being redirected to the Tax Processing Control Center in order to avoid the anticipated delay in the payment of income tax refunds under the Mayor's proposed budget for that Control Center. There were no other changes with respect to the agencies under the Committee's purview.

Committee on Government Operations

The Committee recommended a total net reduction of $435.

1. Office of the Mayor, decrease of $162 and 4 vacant positions.
2. Office of Communications, decrease of $36.
3. Office of Intergovernmental Relations, decrease of $42 and 1 position.
4. D.C. Office of Personnel, decrease of $127
5. Department of Administrative Services, decrease of $45 and 3 vacant positions.
6. Contract Appeals Board, decrease of $33.
7. Board of Elections and Ethics, increase of $10.

Committee on Consumer and Regulatory Affairs

The Committee recommended an overall net decrease of $503. In making this recommendation, the Committee reduced funding without reducing positions. The following changes were made with respect to the agency budgets under its purview:

1. Office of the Director, decrease of $305.
2. Administration, decrease of $75.
3. Housing & Envir'l Reg. Administration, decrease of $123.

Committee on Judiciary

The Committee recommended an overall net decrease of $4,118 and an increase of $995 within the agency budgets under its purview, affecting the following agencies:

1. Fire Department, decrease of $252.
2. Corporation Counsel, decrease of $380.
3. Settlements and Judgements, decrease of $1,000.
4. Department of Corrections, decrease of $3,201.
5. Civilian Complain Review Board, decrease $251.

6. Board of Appeals and Review, decrease $29.
7. Superior Court, increase $995.

The Committee also redirected $2,515 for furlough avoidance which the Committee of the Whole accepts. In addition the Committee redirected $750 to the Public School of Law which is reflected in the mark-up of the Committee on Education and Libraries as well as $843 for daycare programs which is reflected in the mark-up of the Committee on Human Services.

With respect to the capital budget, the Committee disapproved of all funds requested by the Executive for the Correctional Treatment Facility. The Committee disaproved all funds for a Correctional Housing Development at South Capitol Street and Firth Sterling Avenue, SE. The Committee found the site selected by the Executive, were found to be inadequate, as well as insufficient. The Committee on the Judiciary directed the Department of Corrections to pursue any additional funding for the project from the Congress during its consideration of the budget.

Committee on Public Works

The Committee did not recommend any overall net increase or decrease to the agency budgets under its jurisdiction, but did recommend the following offsetting changes among the agency budgets under its jurisdiction:

1. Fleet Management Administration, decrease of $185
2. Transportation Systems Administration, decrease of $548
3. Public Space Maintenance Administration, decrease of $66
4. Office of Policy and Planning, decrease of $19
5. Office of the Controller, decrease of $40
6. Office of the Director, increase of $13
7. Pay-As-You-Go Capital, increase of $952
8. Taxicab Commission, decrease of $107

With respect to the capital budget for the Department of Public Works, the Committee recommended the conversion of Project Number SW7 entitled "Solid Waste Reduction Center #1." The conversion would be from authority for the development of predesign plans and contractual arrangements for a waste-to-energy facility at the Solid Waste Reduction Center #1 to authority that would provide for the repair of two furnaces within the Solid Waste Reduction Center #1, so that the facility would remain operational.

Committee on Public Services

The Committee did not recommend any overall net increase or decrease to the agency budgets under its jurisdiction. The Committee recommended the Executive's request of $31,420 and 608 positions.

Committee on Education and Libraries

The Committee recommended an overall net increase of $1,129 in association with the following budgets under its jurisdiction:

1. Board of Education, increase of $358
2. District of Columbia School of Law, increase of $771, $750 of which reflects a redirection from the Committee on the Judiciary.

The Committee made the following recommendation for the agency not under its purview (this recommendation was approved by the Committee on Housing and Economic Development and is within the budget of the Deputy Mayor for Economic Development).

1. Education in Partnership with Technology Corporation, decrease $25

The Committee increased the capital budget by $3,192 for the construction of a new branch library. The public library that is being proposed is to be located at the McMillan Reservoir Site. New capital authority is being requested for Fiscal Year 1991 spending.

Committee on Housing and Economic Development

The Committee recommended an overall net decrease of $2,149 and 3 positions in association with the agency budgets under its jurisdiction, affecting the following agencies:

1. Office of the Deputy Mayor for Economic Development (DMED), of $280 and 3 positions.
2. Office of Business and Economic Development, decrease of $40 and one position.
3. Washington Convention Center, decrease of $57 (which includes decreases of $15 and $11 to Washington Convention Center and Visitors. Association and DC Commission to Promote Washington, respectively).
4. Housing Finance Agency, decrease of $8
5. Department of Housing and Community Development, decrease of $819
6. Department of Public and Assistance Housing, decrease of $365 and an increase of one position.
7. Department of Employment Services, decrease of $580

The Committee also redirected $2,149 for furlough avoidance which the Committee of the Whole accepts.

The Chairperson of both the Committee on Housing & Economic Development and the Committee on Human Services have agreed that there will be no budget for the Housing Assistance Fund until the legislation to create the Fund is adopted. It is therefore recommended that the $17,000 the Mayor proposed transfering to the Fund from the Department of Public & Assisted Housing be returned to the Department's budget.

For the Department of Public and Assisted Housing, the Committee increased the capital budget by $10,000 for general public housing improvements.

Committee on Human Services

The Committee recommended a net increase of $18,629 to be allocated to the Department of Human Services. These increases are shown as follows:

1. Executive Direction and Support, decrease of $715
2. Commissioner of Social Services, increase of $10,488. of which $750 was a redirection from the Committee of the Whole
3. Child Day Care Services, increase of $3,097
4. Family Services Administration, increase of $750
5. Mental Retardation and Developmental Disabilities Administration, increase of $452
6. Youth Services Administration, increase of $90
7. Commissioner of Public Health, increase of $1,058 of which $808 was a redirection from the Committee of the Whole
8. Alcohol and Drug Abuse Administration, increase of $1,687 of which $1,487 was a redirection from the Committee of the Whole
9. Ambulatory Health Care, increase of $220
10. D.C. Village, increase of $1,032.
11. Long Term Care Administration, increase of $500.

The Committee on Human Services recommended that there be no budget for the Housing Assistance Fund until the legislation to create the Fund is adopted. It is therefore recommended that the $15,900 the Mayor proposed transfering to the Fund from DHS be returned to DHS.

The Table which follows, displays the Committee actions:

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APPROPRIATIONS TITLE SUMMARY:

FISCAL YEAR 1990

ACTUAL FISCAL YEAR 1988 SPENDING

MAYOR'S FISCAL YEAR 1989 BUDGET

MAYOR'S FISCAL YEAR 1990 BUDGET

COMMITTEE RECOMMENDATIONS

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AGENCY / LINE ITEM	(A) ACTUAL FY88	(B) CURRENT FY89	(C) MAYOR'S FY89	(D) COMMS FY89	(E=D-C) COMMS CHANGE
GOVERNMENT DIRECTION & SUPPORT					
COUNCIL OF THE DISTRICT OF COLUMBIA(AB)	7,305	8,067	8,067	8,067	0
DISTRICT OF COLUMBIA AUDITOR (AC)	675	784	784	784	0
ADVISORY NEIGHBORHOOD COMMISIONS (DX)	1,138	1,172	1,172	1,172	0
OFFICE OF THE MAYOR (AA)	1,725	1,837	1,837	1,675	-162
OFFICE OF THE SECRETARY (BA)	2,225	2,233	2,121	2,121	0
OFFICE OF THE INSPECTOR GENERAL (AD)	1,379	1,576	1,529	1,529	0
OFFICE OF COMMUNICATIONS (BB)	481	629	600	564	-36
INTERGOVERNMENTAL RELATIONS(BP)	2,640	2,470	2,398	2,356	-42
OFFICE OF THE CITY ADMINISTRATOR (AE)	1,219	1,445	1,402	1,402	0
OFFICE OF PERSONNEL (BE)	16,388	16,549	15,644	15,517	-127
ADMINISTRATIVE SERVICES(AS)	32,280	31,551	28,761	28,716	-45
CONTRACT APPEALS BOARD (AF)	0	401	460	427	-33
DEPUTY MAYOR FOR FINANCE (AT)	159	185	179	179	0
OFFICE OF BUDGET (BC)	1,827	2,084	1,927	1,927	0
OFFICE OF FINANCIAL MANAGEMENT (BF)	16,033	17,503	15,928	15,928	0
DEPARTMENT OF FINANCE AND REVENUE (CA)	21,661	23,067	22,393	22,393	0
BOARD OF ELECTIONS AND ETHICS (DL)	2,946	2,636	2,439	2,449	10
OFFICE OF CAMPAIGN FINANCE (CJ)	1,162	1,129	1,095	1,095	0
PUBLIC EMPLOYEES RELATIONS BOARD (CG)	250	297	297	297	0
OFFICE OF EMPLOYEES APPEALS (CH)	1,159	1,442	1,324	1,324	0
DC RETIREMENT BOARD (DY)	763	807	807	807	0
METRO WASHINGTON COUNCIL OF GOVTS (EA)	364	370	370	370	0
STATEHOOD (CI)	150	150	150	150	0
BASEBALL COMMISSION (WS)	0	55	0	0	0
TOTAL,GOVERNMENT DIRECTION & SUPPORT	$113,929	$118,439	$111,684	$111,249	$-435
ECONOMIC DEVELOPMENT& REGULATION					
DEPUTY MAYOR ECONOMIC DEVELOPMENT (ED)	1,114	1,590	1,592	1,312	-280
OFFICE OF PLANNING (BD)	3,418	3,877	3,683	3,683	0
HOUSING & COMMUNITY DEVELOPMENT(DB)	11,233	19,384	14,416	13,597	-819
PUBLIC & ASSISTED HOUSING (PH)	17,724	23,019	18,266	17,901	-365
HOUSING ASSISTANCE FUND (PA)	0	0	22,800	22,800	0
DEPARTMENT OF EMPLOYMENT SERVICES (CF)	37,122	41,953	37,329	36,749	-580
BUSINESS & ECON DEVELOPMENT(EN)	2,787	6,960	5,412	5,372	-40
INTERNATIONAL BUSINESS (IB)	441	504	489	489	0
MINORITY BUSINESS OPPORTUNITY COMM(EM)	994	1,110	1,046	1,046	0
HOUSING FINANCE AGENCY (DZ)	2,869	2,238	1,126	1,118	-8
BOARD OF APPEALS & REVIEW (DK)	92	52	189	160	-29
BOARD OF EQUALIZATION & REVIEW (DA)	188	167	162	162	0
CONSUMER & REGULATORY AFFAIRS (CR)	33,644	37,534	33,276	32,773	-503
PUBLIC SERVICE COMMISSION (DH)	3,775	4,360	4,360	4,360	0
OFFICE OF PEOPLES COUNSEL (DJ)	1,580	1,868	1,868	1,868	0
TOTAL,ECONOMIC DEVELOPMENT& REGULATION	$116,981	$144,616	$146,014	$143,390	$-2,624
PUBLIC SAFETY & JUSTICE					
METROPOLITAN POLICE DEPARTMENT (FA)	197,687	207,157	207,157	207,157	0
FIRE DEPARTMENT (FB)	84,097	86,488	91,514	91,262	-252
POLICE AND FIRE RETIREMENT SYSTEM (FD)	114,635	120,600	120,600	120,600	0
JUDGES RETIREMENT SYSTEM (FG)	2,601	2,600	2,600	2,600	0
COURT OF APPEALS (FM)	4,057	4,398	4,398	4,398	0
SUPERIOR COURT (FC)	50,806	54,646	54,646	55,641	995
DC COURT SYSTEM (FN)	18,522	20,080	20,080	20,080	0
OFFICE OF THE CORPORATION COUNSEL (CB)	12,317	13,487	13,240	12,860	-380
SETTLEMENT OF CLAIMS AND SUITS (ZC)	13,986	10,608	18,900	17,900	-1,000
PUBLIC DEFENDER SERVICE (FE)	5,222	5,583	5,583	5,583	0
PRETRIAL SERVICES AGENCY (FI)	2,435	3,054	2,881	2,881	0
DEPARTMENT OF CORRECTIONS (FL)	194,527	193,855	213,355	210,154	-3,201
BOARD OF PAROLE (DD)	3,931	5,068	4,978	4,978	0
NATIONAL GUARD (FK)	991	1,255	1,255	1,255	0
OFFICE OF EMERGENCY PREPAREDNESS (BN)	2,307	2,702	2,702	2,702	0
COMM ON JUDICIAL DISABILITIES (DQ)	125	128	124	124	0
JUDICIAL NOMINATION COMMISSION (DV)	34	37	37	37	0
LAW REVISION COMMISSION (DW)	222	220	214	214	0
CIVILIAN COMPLAINT REVIEW BOARD (FH)	0	0	0	0	0
OFFICE OF CRIMINAL JUSTICE PLANS (BQ)	1,491	2,241	2,182	1,931	-251
TOTAL,PUBLIC SAFETY & JUSTICE	$709,993	$734,207	$766,446	$762,357	$-4,089
PUBLIC EDUCATION SYSTEM					
PUBLIC SCHOOLS (GA)	432,753	452,403	455,803	456,161	358
TEACHERS RETIREMENT FUND (GX)	62,318	70,100	70,100	70,100	0
UNIV OF DISTRICT OF COLUMBIA (GF)	71,667	76,310	74,310	74,310	0
EDUCATIONAL INSTITUTION LIC COMM (GH)	312	456	450	450	0
PUBLIC LIBRARY (CE)	16,616	18,515	18,126	18,126	0
COMM ON THE ARTS & HUMANITIES (BX)	3,005	4,192	4,007	4,007	0
PUBLIC SCHOOL OF LAW (LS)	1,814	1,948	1,948	2,719	771
TOTAL,PUBLIC EDUCATION SYSTEM	$588,485	$623,924	$624,744	$625,873	$1,129
HUMAN SUPPORT SERVICES					
DEPARTMENT OF HUMAN SERVICES (JA)	617,868	616,555	631,726	650,355	18,629
DEPARTMENT OF RECREATION (HA)	31,188	34,900	31,420	31,420	0
RECREATION PAY-AS-YOU-GO CAPITAL(HK)	0	950	547	547	0

AGENCY / LINE ITEM	(A) ACTUAL FY88	(B) CURRENT FY89	(C) MAYOR'S FY89	(D) COMMS FY89	(E=D-C) COMMS CHANGE
OFFICE ON AGING (BY)	11,438	13,699	13,699	13,699	0
DC GENERAL HOSPITAL SUBSIDY (JC)	41,930	50,933	44,430	44,430	0
UNEMPLOYMENT COMPENSATION (BH)	3,693	2,940	5,887	5,887	0
DISABILITY COMPENSATION (BG)	18,237	17,000	20,611	20,611	0
OFFICE ON HUMAN RIGHTS (BR)	1,735	1,767	1,714	1,714	0
HUMAN RIGHTS & MBOC (HM)	0	0	0	0	0
OFFICE OF LATINO AFFAIRS (BZ)	1,628	2,084	1,980	1,980	0
COMMISSION ON WOMEN (DP)	234	420	407	407	0
DC ENERGY OFFICE (JF)	3,563	3,653	3,464	3,464	0
TOTAL, HUMAN SUPPORT SERVICES	$731,514	$744,901	$755,885	$774,514	$18,629
PUBLIC WORKS					
DEPARTMENT OF PUBLIC WORKS (PW)	106,251	106,727	98,965	98,120	-845
PW PAY-AS-YOU-GO CAPITAL (KB)	2,319	4,703	2,168	3,120	952
TAXICAB COMMISSION (TC)	1,479	1,945	1,887	1,780	-107
WASH METRO AREA TRANSIT COMMISSION(KC)	86	86	86	86	0
WASH METRO AREA TRANSIT AUTHORITY (KE)	101,881	101,564	107,000	107,000	0
SCHOOL TRANSIT SUBSIDY (KD)	3,319	3,900	3,600	3,600	0
TOTAL, PUBLIC WORKS	$215,335	$218,925	$213,706	$213,706	$0
FINANCING & OTHER USES					
WASHINGTON CONVENTION CENTER (ER)	6,758	7,274	7,874	7,817	-57
REPAYMENT OF LOANS AND INTEREST (DS)	219,851	235,796	229,962	229,962	0
REPAYMENT OF GENERAL FUND DEFICIT (ZA)	0	1,000	10,000	5,000	-5,000
FURLOUGH SAVINGS (ZB)	0	0	-14,000	-7,543	6,457
TERMS TEMPS SAVINGS (ZD)	0	0	-6,400	-6,400	0
SALARY LAPSE (XC)	0	-2,747	-2,400	-2,400	0
EARLY OUT SAVINGS (XB)	0	0	-10,400	-10,400	0
OPTICAL & DENTAL (PS)	2,572	2,569	2,569	2,569	0
INTEREST ON SHORT TERM BORROWING(ZF)	3,750	4,570	9,162	9,162	0
ENERGY ADJUSTMENT (ZZ)	0	-2,070	-2,070	-2,419	-349
INAUGURAL EXPENSES (SB)	0	2,300	2,300	2,300	0
TOTAL, FINANCING & OTHER USES	$232,931	$248,692	$226,597	$227,648	$1,051
TOTAL, GENERAL FUND	$2,709,168	$2,833,704	$2,845,076	$2,842,937	-$2,139

FINAL CHANGES TO THE FISCAL YEAR 1989 SUPPLEMENTAL REQUEST

Operating Budget

The Committee of the Whole concurs with the changes made to the Mayor's Budget Request by the Committees as well as the directives made by each Committee and suggested changes to Bill 8-162. The reports of the Committees are attached to this report and are a part of this report.

Final changes to the Fiscal Year 1989 Supplemental as reported by the Committees are:

1. Furlough Avoidance: +$7,543

   This increase would eliminate the remaining need for the seven day employee furlough proposed by the Mayor.

2. Department of Human Services: +$5,500

   The increase of $5,500 will restore the reduction to the homeless budget within the Department of Human Services approved by the Committee on Human Services.

3. Repayment of the General Fund Deficit: +9,950

This increase the budget for the Repayment of the General Fund Deficit would bring the repayment to $14,950.

4. Equipment Reduction: -$2,100

The Committee recommends an unallocated reduction to Object Class 70 (Equipment). In the agencies under the control of the Mayor and not including police, fire or corrections, equipment was underspent in Fiscal Year 1988 by $4.9 million. Those agencies spent $14.7 million in Fiscal Year 1988 against a budget of $19.6 million. Now in Fiscal Year 1989 these agencies have an equipment budget of $18.1 million.

Equipment spending is a consistant area of flexibilty for the Mayor. In fact, when he chose to not ask for the 5% Income Tax Surcharge and therefore had to reduce his budget proposals, he went to the equipment line and reduced it $1.7 million. If these agencies were to spend at their Fiscal Year 1988 level then $3.5 million could be saved in Fiscal Year 1989. The reduction is to those agencies under the control of the Mayor except for police, fire and corrections.

5. Salary Lapse -$7,350

The Committee recommends an unallocated reduction to Personnel Services. The agencies under the control of the Mayor and excluding police, fire and corrections have budgeted for continuing full time pay (object class 11) $360 million in FY89.

If a strict hiring freeze were imposed it would cause salary lapse. Currently there is a budgeted salary lapse of $2.4 million. Each lapse percentile would yield savings of of $1.8 million in Fiscal Year 1989 A 2.5% lapse in Fiscal Year 1989 would save $4.5 million and after factoring in the $2.4 million of lapse already budgeted: a net savings in Fiscal Year 1989 of $2.1 million. The reduction is to those agencies under the control of the Mayor except for police, fire and corrections.

6. Recreation: +800

The increase is directed to responsibility center 2400, Recreation Centers and Playgrounds Administration specifically, $700 to STARS, management reporting unit 42. The additional $100 will restore an additional amount to respoonsibility center 2300, Special Programs Administration, specifically, to Therapeutic Recreation Services.

The net effect of the final changes is to increase the budget by $18,193 above the budget voted by the Committees of the Council. The final budget would be $2,861,130 which is $16,054 greater than the Mayor's request of $2,845,076.

On the Table which follows the final changes are displayed. The final changes affect the general fund only and thus only the general fund is displayed.

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APPROPRIATIONS TITLE SUMMARY:

GENERAL FUND APPROPRIATED BUDGET ONLY

CURRENT FISCAL YEAR 1989 BUDGET

MAYOR'S FISCAL YEAR 1989 BUDGET

STANDING COMMITTEES FISCAL YEAR 1990 BUDGET

COUNCIL FISCAL YEAR 1989 BUDGET

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AGENCY / LINE ITEM	(A) CURRENT FY89	(B) MAYOR'S FY89	(C) COMM CHANGES	(D) COMM FY89	(E) FINAL CHANGES	(F) COUNCIL FY89	(G=F-B) CHANGE: COUNCIL FROM MAYOR
GOVERNMENT DIRECTION & SUPPORT							
COUNCIL OF THE DISTRICT OF COLUMBIA(AB)	8,067	8,067	0	8,067	0	8,067	0
DISTRICT OF COLUMBIA AUDITOR (AC)	784	784	0	784	0	784	0
ADVISORY NEIGHBORHOOD COMMISIONS (DX)	1,172	1,172	0	1,172	0	1,172	0
OFFICE OF THE MAYOR (AA)	1,837	1,837	-162	1,675	0	1,675	-162
OFFICE OF THE SECRETARY (BA)	2,233	2,121	0	2,121	0	2,121	0
OFFICE OF THE INSPECTOR GENERAL (AD)	1,576	1,529	0	1,529	0	1,529	0
OFFICE OF COMMUNICATIONS (BR)	629	600	-36	564	0	564	-36
INTERGOVERNMENTAL RELATIONS(BP)	2,470	2,398	-42	2,356	0	2,356	-42
OFFICE OF THE CITY ADMINISTRATOR (AE)	1,445	1,402	0	1,402	0	1,402	0
OFFICE OF PERSONNEL (BE)	16,549	15,644	-127	15,517	0	15,517	-127
ADMINISTRATIVE SERVICES(AS)	31,551	28,761	-45	28,716	0	28,716	-45
CONTRACT APPEALS BOARD (AF)	401	460	-33	427	0	427	-33
DEPUTY MAYOR FOR FINANCE (AT)	185	179	0	179	0	179	0
OFFICE OF BUDGET (BC)	2,084	1,927	0	1,927	0	1,927	0
OFFICE OF FINANCIAL MANAGEMENT (BF)	17,503	15,928	0	15,928	0	15,928	0
DEPARTMENT OF FINANCE AND REVENUE (CA)	23,067	22,393	0	22,393	0	22,393	0
BOARD OF ELECTIONS AND ETHICS (DL)	2,636	2,439	10	2,449	0	2,449	10
OFFICE OF CAMPAIGN FINANCE (CJ)	1,129	1,095	0	1,095	0	1,095	0
PUBLIC EMPLOYEES RELATIONS BOARD (CG)	297	297	0	297	0	297	0
OFFICE OF EMPLOYEES APPEALS (CH)	1,442	1,324	0	1,324	0	1,324	0
DC RETIREMENT BOARD (DY)	807	807	0	807	0	807	0
METRO WASHINGTON COUNCIL OF GOVTS (EA)	370	370	0	370	0	370	0
STATEHOOD (CI)	150	150	0	150	0	150	0
BASEBALL COMMISSION (WS)	55	0	0	0	0	0	0
TOTAL,GOVERNMENT DIRECTION & SUPPORT	$118,439	$111,684	$-435	$111,249	$0	$111,249	$-435
ECONOMIC DEVELOPMENT& REGULATION							
DEPUTY MAYOR ECONOMIC DEVELOPMENT (ED)	1,590	1,592	-280	1,312	0	1,312	-280
OFFICE OF PLANNING (BD)	3,877	3,683	0	3,683	0	3,683	0
HOUSING & COMMUNITY DEVELOPMENT(DB)	19,384	14,416	-819	13,597	0	13,597	-819
PUBLIC & ASSISTED HOUSING (PH)	23,019	18,266	6,635	24,901	0	24,901	6,635
HOUSING ASSISTANCE FUND (PA)	0	22,800	-22,800	0	0	0	-22,800
DEPARTMENT OF EMPLOYMENT SERVICES (CF)	41,953	37,329	-580	36,749	0	36,749	-580
BUSINESS & ECON DEVELOPMENT(EN)	6,960	5,412	-40	5,372	0	5,372	-40
INTERNATIONAL BUSINESS (IB)	504	489	0	489	0	489	0
MINORITY BUSINESS OPPORTUNITY COMM(EM)	1,110	1,046	0	1,046	0	1,046	0
HOUSING FINANCE AGENCY (DZ)	2,238	1,126	-8	1,118	0	1,118	-8
BOARD OF APPEALS & REVIEW (DK)	52	189	-29	160	0	160	-29
BOARD OF EQUALIZATION & REVIEW (DA)	167	162	0	162	0	162	0
CONSUMER & REGULATORY AFFAIRS (CR)	37,534	33,276	-503	32,773	0	32,773	-503
PUBLIC SERVICE COMMISSION (DH)	4,360	4,360	0	4,360	0	4,360	0
OFFICE OF PEOPLES COUNSEL (DJ)	1,868	1,868	0	1,868	0	1,868	0
TOTAL,ECONOMIC DEVELOPMENT& REGULATION	$144,616	$146,014	$-18,424	$127,590	$0	$127,590	$-18,424

AGENCY / LINE ITEM	(A) CURRENT FY89	(B) MAYOR'S FY89	(C) COMM CHANGES	(D) COMM FY89	(E) FINAL CHANGES	(F) COUNCIL FY89	(F-B) CHANGE: COUNCIL FROM MAYOR
PUBLIC SAFETY & JUSTICE							
METROPOLITIAN POLICE DEPARTMENT (FA)	207,157	207,157	0	207,157	0	207,157	0
FIRE DEPARTMENT (FB)	86,488	91,514	-252	91,262	0	91,262	-252
POLICE AND FIRE RETIREMENT SYSTEM (FD)	120,600	120,600	0	120,600	0	120,600	0
JUDGES RETIREMENT SYSTEM (FG)	2,600	2,600	0	2,600	0	2,600	0
COURT OF APPEALS (F4)	4,398	4,398	0	4,398	0	4,398	0
SUPERIOR COURT (FC)	54,646	54,646	995	55,641	0	55,641	995
DC COURT SYSTEM (FH)	20,080	20,080	0	20,080	0	20,080	0
OFFICE OF THE CORPORATION COUNSEL (CB)	13,487	13,240	-380	12,860	0	12,860	-380
SETTLEMENT OF CLAIMS AND SUITS (ZC)	10,608	18,900	-1,000	17,900	0	17,900	-1,000
PUBLIC DEFENDER SERVICE (FE)	5,583	5,583	0	5,583	0	5,583	0
PRETRIAL SERVICES AGENCY (FF)	3,054	2,881	0	2,881	0	2,881	0
DEPARTMENT OF CORRECTIONS (FL)	193,855	213,355	-3,201	210,154	0	210,154	-3,201
BOARD OF PAROLE (DD)	5,068	4,978	0	4,978	0	4,978	0
NATIONAL GUARD (FK)	1,255	1,255	0	1,255	0	1,255	0
OFFICE OF EMERGENCY PREPAREDNESS (BN)	2,702	2,702	0	2,702	0	2,702	0
COMM ON JUDICIAL DISABILITIES (DO)	128	124	0	124	0	124	0
JUDICIAL NOMMINATION COMMISSION (DV)	37	37	0	37	0	37	0
LAW REVISION COMMISSION (DW)	220	214	0	214	0	214	0
OFFICE OF CRIMINAL JUSTICE PLANS (BQ)	2,241	2,182	-251	1,931	0	1,931	-251
TOTAL, PUBLIC SAFETY & JUSTICE	$734,207	$766,446	$-4,089	$762,357	$0	$762,357	$-4,089
PUBLIC EDUCATION SYSTEM							
PUBLIC SCHOOLS (GA)	452,403	455,803	358	456,161	0	456,161	358
TEACHERS RETIREMENT FUND (GX)	70,100	70,100	0	70,100	0	70,100	0
UNIV OF DISTRICT OF COLUMBIA (GF)	76,310	74,310	0	74,310	0	74,310	0
EDUCATIONAL INSTITUTION LIC COMM (GH)	456	450	0	450	0	450	0
PUBLIC LIBRARY (CE)	18,515	18,126	0	18,126	0	18,126	0
COMM ON THE ARTS & HUMANITIES (BX)	4,192	4,007	0	4,007	0	4,007	0
PUBLIC SCHOOL OF LAW (LS)	1,948	1,948	771	2,719	0	2,719	771
TOTAL, PUBLIC EDUCATION SYSTEM	$623,924	$624,744	$1,129	$625,873	$0	$625,873	$1,129
HUMAN SUPPORT SERVICES							
DEPARTMENT OF HUMAN SERVICES (JA)	616,555	631,726	18,629	650,355	5,500	655,855	24,129
DEPARTMENT OF RECREATION (HA)	34,900	31,420	0	31,420	800	32,220	800
RECREATION PAY-AS-YOU-GO CAPITAL(HK)	950	547	0	547	0	547	0
OFFICE ON AGING (BY)	13,699	13,699	0	13,699	0	13,699	0
OFFICE ON HUMAN RIGHTS (BR)	1,767	1,714	0	1,714	0	1,714	0
DC GENERAL HOSPITAL SUBSIDY (JC)	50,933	44,430	0	44,430	0	44,430	0
UNEMPLOYMENT COMPENSATION (BH)	2,940	5,887	0	5,887	0	5,887	0
DISABILITY COMPENSATION (BG)	17,000	20,611	0	20,611	0	20,611	0
OFFICE OF LATINO AFFAIRS (BZ)	2,084	1,980	0	1,980	0	1,980	0
COMMISSION ON WOMEN (DP)	420	407	0	407	0	407	0
DC ENERGY OFFICE (JF)	3,653	3,464	0	3,464	0	3,464	0
TOTAL, HUMAN SUPPORT SERVICES	$744,901	$755,885	$18,629	$774,514	$6,300	$780,814	$24,929

AGENCY / LINE ITEM	(A) CURRENT FY89	(B) MAYOR'S FY89	(C) COMM CHANGES	(D) COMM FY89	(E) FINAL CHANGES	(F) COUNCIL FY89	(G=F-B) CHANGE: COUNCIL FROM MAYOR
PUBLIC WORKS							
DEPARTMENT OF PUBLIC WORKS (PW)	106,727	98,965	-845	98,120	0	98,120	-845
PW PAY-AS-YOU-GO CAPITAL (KB)	4,703	2,168	952	3,120	0	3,120	952
TAXICAB COMMISSION (TC)	1,945	1,887	-107	1,780	0	1,780	-107
WASH METRO AREA TRANSIT COMMISSION(KC)	86	86	0	86	0	86	0
WASH METRO AREA TRANSIT AUTHORITY (KE)	101,564	107,000	0	107,000	0	107,000	0
SCHOOL TRANSIT SUBSIDY (KD)	3,900	3,600	0	3,600	0	3,600	0
TOTAL, PUBLIC WORKS	$218,925	$213,706	$0	$213,706	$0	$213,706	$0
FINANCING & OTHER USES							
WASHINGTON CONVENTION CENTER (ER)	7,274	7,874	-57	7,817	0	7,817	-57
REPAYMENT OF LOANS AND INTEREST (DS)	235,796	229,962	0	229,962	0	229,962	0
REPAYMENT OF GENERAL FUND DEFICIT (ZA)	1,000	10,000	-5,000	5,000	9,950	14,950	4,950
FURLOUGH SAVINGS (ZB)	0	-14,000	6,457	-7,543	7,543	0	14,000
TERMS TEMPS SAVINGS (ZD)	0	-6,400	0	-6,400	0	-6,400	0
SALARY LAPSE (XC)	-2,747	-2,400	0	-2,400	-2,100	-4,500	-2,100
EARLY OUT SAVINGS (XB)	0	-10,400	0	-10,400	0	-10,400	0
OPTICAL & DENTAL (PS)	2,569	2,569	0	2,569	0	2,569	0
INTEREST ON SHORT TERM BORROWING(ZF)	4,570	9,162	0	9,162	0	9,162	0
ENERGY/EQUIPMENT ADJUSTMENT (ZZ)	-2,070	-2,070	-349	-2,419	-3,500	-5,919	-3,849
INAUGURAL EXPENSES (SB)	2,300	2,300	0	2,300	0	2,300	0
TOTAL, FINANCING & OTHER USES	$248,692	$226,597	$1,051	$227,648	$11,893	$239,541	$12,944
TOTAL, GENERAL FUND	$2,833,704	$2,845,076	-$2,139	$2,842,937	$18,193	$2,861,130	$16,054

Revenues

One change is made to the Mayor's Fiscal Year 1989 revenue estimate. The revision to the revenue estimate is to identify tax increases needed to balance the Fiscal Year 1990 Budget.

Sec. 603(c) of the District of Columbia Self-Governmental and Reorganization Act of 1973, requires that the "budget shall identify any tax increases which shall be required in order to balance the budget as submitted". The budget provides for an increase in spending of $16,054 over the Mayor's Request. Therefore, the budget must identify $16,054 in tax increases to be balanced.

On March 15, 1989, the Chairperson of the Committee on Finance & Revenue circulated to the Council a "Finance & Budget Plan" which identified $29.5 million in tax increases. On March 16, 1989, the Chairperson of the Committee on Finance & Revenue circulated to the Council a revised plan which identified $24.3 million in tax increases. The portions of the March 15 and 16 circulations recommending tax increases are attached as Attachments A and B respectively. The Chairperson of the Committee on Finance & Revenue has committed to support and move through his Committee and the Council sufficient tax increases to fund the Fiscal Year 1989 and 1990 Budgets.

Accordingly, for purposes of meeting the requirements of Sec. 603(c) of the District of Columbia Self-Governmental and Reorganization Act of 1973, the Committee of the Whole identifies the taxes set forth in the March 15 and 16 transmission of the Chairperson of the Committee on Finance & Revenue.

COMMITTEE ACTION

The Budget Request Act, Bill 8-162 and this report were were considered by the Committee of the Whole on Tuesday March 21, 1989.

Chairman Clarke moved approval of the Fiscal Year 1989 budget marks recommended by the committees of the Council. The motion was approved by voice vote (All members present).

Chairman Clarke moved an amendment in the nature of a substitute to Bill 8-162, Fiscal Year 1989 Supplemental Budget and Rescissions of Authority Request Act of 1989.

Councilmember Smith moved an amendment to add $800 to the Department of Recreation for the "STARS" tuturial after- school program, to be balanced by new revenue sources beyond $15,254 already needed from the Wilson revenue plans to balance the FY 1989 budget. Councilmember Smith's amendment was approved by voice vote (All members present; Clarke recorded as opposed).

Councilmember Crawford moved an amendment to require 30 days notice to the Council by the executive of any proposed reductions or reprogrammings in funds of programs for which budgets were specifically increased by the Council. Councilmember Crawford's amendment was approved by voice vote (All members present).

Councilmember Wilson amoved an amendment to the Personal Services Adjustment paragraph to add language to require the Mayor, during fiscal year 1989, to reduce the number of authorized, funded continuing full-time positions above DS-10 by 318 positions. Councilmember Wilson's amendment was approved by voice vote (All members present; Rolark recorded as opposed).

Councilmember Winter moved an amendment to the Water and Sewer Enterprise Fund to permit expenditure of not more than $100 from the fund for the purpose of settling claims resulting from damage from water main breaks pursuant to D.C. Act 7-269, the Water Main Break Fund Act of 1988. Councilmember Winter's amendment was approved by voice vote (All members present).

Councilmember Kane moved an amendment to the Capital Outlay section to add $25,000 in authorized capital borrowing in fiscal year 1989 for a feasibility study, site acquisition, and design and construction of a jail in the Judiciary Square area, including a companion analysis of a revised mission for the existing D.C. Jail to prevent duplication, with a proviso that disposition of property owned or under the jurisdiction of the District government be prohibited pending outcome of the study. Councilmember Kane's amendment was approved by voice vote (All members present; Clarke and Rolark recorded in favor).

The motion to approve the revised amendment in the nature of a substitute to Bill 8-162, the Fiscal Year 1989 Supplemental Budget and Rescissions of Authority Request Act of 1989, was approved by voice vote (All members present; Kane recorded as opposed).

Chairman Clarke moved approval of the draft Committee Report on Bill 8-162.

Councilmember Rolark moved technical amendments to the Committee Report references to the correctional treatment facility. Councilmember Rolark's amendments were approved by voice vote (Clarke, Crawford, Jarvis, Kane, Lightfoot, Mason, Nathanson, Rolark, Thomas and Wilson present; Ray, Smith and Winter absent).

Councilmember Jarvis moved a technical amendment to the Committee Report reference to the Department of Public and Assisted Housing. Councilmember Jarvis' amendment was approved by voice vote (Clarke, Crawford, Jarvis, Kane, Lightfoot, Mason, Nathanson, Rolark, Thomas and Wilson present; Ray, Smith and Winter absent).

The motion to approve the Committee Report on Bill 8-162, Fiscal Year 1989 Supplemental Budget and Rescissions of Authority Request Act of 1989, was approved by voice vote (Clarke, Crawford, Jarvis, Kane, Lightfoot, Mason, Nathanson, Ray, Rolark, Thomas and Wilson present; Smith and Winter absent; Clarke recorded as opposed).

IMPACT ON EXISTING LAW

Council enactment of Bill 8-612, Fiscal Year 1989 Supplemental Budget Request and Recission of Authority Act of 1989, modifies the budgets of several of the agencies within the appropriation titles of the Fiscal Year 1989 Budget Act adopted by the Council. The primary purpose of the Supplemental Request is to assure that budgetary authority for all agencies within each appropriations title is sufficient to cover projected expenditures. The Supplemental Request takes into consideration spending rates of the first 4 months of the fiscal year, emergency expenditures that were not planned when the budget for the fiscal year was first adopted, and rates of spending in several program areas that have turned out to be greater than planned and at a rate that would result in expenditures greater than the budget provides for were it not for this supplemental action of the Council. Like the annual fiscal year budget, this Supplemental Request is passed by the Council after a single legislative reading, following public hearings, and is enacted into law by the U. S. Congress after transmittal by the President as provided in section 446 of the District of Columbia Self-Government and Reorganization Act, approved December 24, 1973 (87 Stat. 801; D.C. Code, sec 47-304).

SECTION BY SECTION ANALYSIS

Section 1 of the bill indicates the short title of this legislation is the "Fiscal Year 1989 Supplemental Budget Request and Rescission of Authority Act of 1989."

Section 2 of the bill provides Council approval of a Supplemental Request for the District of Columbia government in Fiscal Year 1989 which includes the following changes:

Government Direction and Support

The bill provides for a recission in the budget authority of this appropriation title of $7,190.

Economic Development and Regulation

The bill includes a recission in the funds appropriated for this title of $17,026.

Public Safety and Justice

The bill provides for an increase in the funds appropriated for this title of $28,150.

Public Education System

The bill provides for an increase in the funds appropriated for this title of $4,529.

Human Support Services

The bill provides for an increase in the funds appropriated for this title of $35,913.

Public Works

The bill provides for a recission of $5,219 in the funds appropriated for this title.

Repayment of Loans and Interest

The bill provides for a recission of $5,834 in the funds appropriated for this title.

Personal Services

The bill provides for a recission of $18,553 in the funds appropriated for this title.

Repayment of the General Fund Deficit

The bill provides $13,950 addition of the general fund accumulated deficit repayment.

Short Term Borrowings

The bill provides $4,592 addition of the general fund accumulated deficit repayment.

Energy Adjustment

The bill provides for a recission of $349 in the funds appropriated for this title.

Equipment Adjustment

The bill provides for a recission of $3,500 in the funds appropriated for equipment.

Capital Outlay

The bill provides an additional $111,442 for capital projects.

Section 3 indicates that the effective date of this legislation is governed by section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 801; D. C. Code, sec. 47-304), which requires approval of District budget supplements by Act of Congress.

ATTACHMENT A

TAX INCREASES

SUMMARY

Total tax increase FY 1989: $29.5 million

Total tax increase FY 1990: $112.1 million

All increase figures assume an effective date and implementaion on July 1, 1989.

Detailed Breakdown

	FY 1989	FY 1990
I. Individual Income Tax		
Repeal credit for political contributions	$ 1.0 million	$ 1.0 million
Require same reporting as used on federal return (ie. itemize or standard deduction)	$ 1.0 million	$ 1.0 million
Tax interest earned on state & local obligations starting 1/1/90 instead of 1/1/92	$ 0.0	$ 2.0 million
Tax lottery winnings	$ 1.2 million	$ 2.0 million
Subtotal	$3.2 million	$6.0 million

II. Sales Tax

	FY 1989	FY 1990
Tax employment agencies at 6% rate (previously untaxed)	$100 thousand	$500 thousand
Tax interior decorating services at 6% rate (previously untaxed)	$ 50 thousand	$200 thousand
Tax credit collection agencies at 6% rate (previously untaxed)	$ 50 thousand	$200 thousand
Tax detective and protective services at 6% rate (previously untaxed)	$450 thousand	$1.8 million
Tax real property services at 6% rate (previously untaxed) Real property services include: cleaning and janitorial services; landscaping; lawn maintenance; pest control; surveying; and private garbage hauling.	$2.0 million	$9.0 million

Tax data processing and information services at 6% rate (previously untaxed) These services include: word processing; payroll and business accounting; computer data and information storage or manipulation; mailing lists; and financial reporting.	$6.0 million	$25.0 million
Increase tax on liquor to 8% (currently at 6%)	$750 thousand	$3.0 million
Increase tax on restaurant meals & liquor by the drink from 8% to 10%	$ 5.0 million	$22.0 million
Increase tax on hotels & motels from 10% to 12%	$ 3.0 million	$14 million
Subtotal	$17.6 million	$75.7 million

III. Other Taxes

Transfer on economic interests in real property	$0	$5.0 million
Increase cigarette tax from 17¢ to 20¢ per pack of 20	$250 thousand	$1.0 million
Increase motor vehicle fuel tax from 15.5¢ to 18.5¢ per gallon	$ 1.0 million	$ 4.0 million

NOTE: Maryland rate is 18.5¢ per gallon. Virginia rate is 17.5¢ per gallon plus 3% excise tax on wholesale and 2% sales tax in 5 northern Virginia jurisdictions.

Increase hotel occupancy tax from $1 to $1.50 per room per night	$870 thousand	$ 3.6 million

NOTE: This is based on the current allocation formula which requires that 40% of the tax revenues be distributed as follows: 50% to Washington Visitors & Convention Center; 37.5% to Mayor's Committee to Promote Washington; and 12.5% to Convention Center advertising and promotion. If the entire increase went to the General Fund the District would realize an increase of $1.45 million in FY 1989 and $6.0 million in FY 1990.

Increase alcoholic beverage tax to equal Maryland's rates	$250 thousand	$ 1.0 million

NOTE: District and Maryland rates are as follows: Beer, D.C. $2.25/barrel, Md. $2.79/barrel; Spirits D.C. and Md. $1.50/gallon; Wine, D.C. 15¢ to 45¢/gallon, Md. 40¢/gallon.

Increase deed recordation and transfer taxes from 1.0% to 1.1%	$ 1.7 million	$ 7.3 million
Increase franchise surtax from 2.5% to 5.0%	$ 4.9 million	$ 5.3 million
Institute a $10 fee for car inspections (Jarvis Proposal)	$0	$ 3.2 million
Subtotal	$ 8.97 million	$30.8 million

ATTACHMENT 3

TAX INCREASES

SUMMARY

Total tax increase FY 1989: $24.3 million

Total tax increase FY 1990: $104.5 million

All increase figures assume an effective date and implementaion on July 1, 1989.

Detailed Breakdown

	FY 1989	FY 1990
I. Individual Income Tax		
Repeal credit for political contributions	$ 0.2 million	$ 1.0 million
Require same reporting as used on federal return (ie. itemize or standard deduction)	$ 2.2 million	$ 3.0 million
Tax interest earned on state & local obligations starting 1/1/90 instead of 1/1/92	$ 0.0	$ 2.0 million
Tax lottery winnings	$ 1.0 million	$ 2.0 million
Subtotal	$3.4 million	$8.0 million

II. Sales Tax

	FY 1989	FY 1990
Tax interior decorating services at 6% rate (previously untaxed)	$ 50 thousand	$200 thousand
Tax real property services at 6% rate (previously untaxed) Real property services include: cleaning and janitorial services; landscaping; lawn maintenance; pest control; surveying; and private garbage hauling.	$2.0 million	$9.0 million
Tax data processing and information services at 6% rate (previously untaxed) These services include: word processing; payroll and business accounting; computer data and information storage or manipulation; mailing lists; and financial reporting.	$6.0 million	$25.0 million
Increase tax on liquor to 8% (currently at 6%)	$750 thousand	$3.0 million
Increase tax on restaurant meals & liquor by the drink from 8% to 10%	$ 5.0 million	$22.0 million
Increase tax on hotels & motels from 10% to 12%	$ 3.0 million	$14 million
Subtotal	$17.25 million	$73.2 million

III. Other Taxes

Transfer on economic interests in real property	$0	$5.0 million
Increase cigarette tax from 17¢ to 20¢ per pack of 20	$250 thousand	$1.0 million
Increase motor vehicle fuel tax from 15.5¢ to 18.5¢ per gallon	$ 1.0 million	$ 4.0 million

NOTE: Maryland rate is 18.5¢ per gallon. Virginia rate is 17.5¢ per gallon plus 3% excise tax on wholesale and 2% sales tax in 5 northern Virginia jurisdictions.

Increase hotel occupancy tax from $1 to $1.50 per room per night	$450 thousand	$ 1.3 million

NOTE: This is based on the current allocation formula which requires that 40% of the tax revenues be distributed as follows: 50% to Washington Visitors & Convention Center; 37.5% to Mayor's Committee to Promote Washington; and 12.5% to Convention Center advertising and promotion. If the entire increase went to the General Fund the District would realize an increase of $1.45 million in FY 1989 and $6.0 million in FY 1990.

Increase alcoholic beverage tax to equal Maryland's rates	$250 thousand	$ 1.0 million

NOTE: District and Maryland rates are as follows: Beer, D.C. $2.25/barrel, Md. $2.79/barrel; Spirits D.C. and Md. $1.50/gallon; Wine, D.C. 15¢ to 45¢/gallon, Md. 40¢/gallon.

Increase deed recordation and transfer taxes from 1.0% to 1.1%	$ 1.7 million	$ 7.3 million
Institute a $10 fee for car inspections (Jarvis Proposal)	$0	$ 3.2 million
Subtotal	$ 3.65 million	$23.3 million

SEPARATE STATEMENT OF CHAIRMAN DAVID A. CLARKE
REGARDING FINAL CONSIDERATION OF THE
FY 1989 SUPPLEMENTAL BUDGET AND THE FY 1990 BUDGET

March 21, 1989

In this separate statement, filed as a member speaking for myself, I would like to note my respect and appreciation for the work of the substantive committees of the Council and my concerns with some of the Council's final actions on the budget which go far beyond what the committees reported.

Reports of the Substantive Committees

The reports of the substantive committees do a very good job of meeting the priorities of the city while respecting the tight, fiscal situation in which the city currently finds itself.

The combined committee budgets provide funds with which to hire 300 more police officers, to lessen the asserted necessity for a furlough, to increase the budget of the public schools by $3.75 million to increase the budget of the university by $1 million, to increase the budget of the law school by $306,000, to restore the cuts proposed by the Mayor to the drug prevention and treatment program, to provide $1 million more of recreational programs for youth at risk, to restore the food for the homeless program which the Mayor has stopped, to restore the cost-of-living increases for AFDC and General Public Assistance which the Mayor had proposed cutting, to restore the Mayor's proposed cut to day care and provide an increase for it, and to increase services to the mentally retarded and developmentally disabled, to increase basic training services for the developmental disabled, to restore the cut to Latin American youth services, to increase the rates for outpatient hospital services, to restore much of the increase to the AIDS program,provide for occupational and physical therapists in the District's specialized education schools, and to restore the Mayor's proposed cut to the long-term care administration.[1]

Indeed, because of offsetting reductions, the combined committees' reports accomplished all of the above at a net savings of $2.1 million in FY 1989 and at a net cost of only $13 million in FY 1990.[2] Were that the final mark of the Council, I would have supported it and sought to provide the additional revenues to balance the FY 1990 mark.

Council-wide Actions

However, after the committees had marked up, and, as we entered our Council-wide discussions, there arose a desire to drastically increase spending and revenue-raising. On March 15, 1989, the Chairperson of the Committee on Finance and Revenue circulated a plan which called for spending $19.6 million in FY 1989 and $58.1 million in FY 1990 over what the committees had recommended. The Finance and Revenue Committee Chairperson also recommended reducing the class-one, real-property tax rate to $1.06 at a cost of $25.2 million. To offset these expenditures, the decrease in the property tax rate, and the net increases in the Human Services FY 1990 report, the Finance and Revenue Chairperson recommended increasing revenues by $29.5 million in FY 1989 and by $113.25 million[1] in FY 1990. On March 16, 1989, the Chairperson of the Finance and Revenue Committee revised these figures to recommend increasing committee-recommended spending by $23 million in FY 1989 and by $51.5 million in FY 1990 and to recommend increasing revenues by $24.3 million in FY 1989 and by $105.65 million[1] in FY 1990.

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[1] I am particularly proud that the Committee of the Whole, in its report on the agencies and lines under its purview, was able to find within its budgets sufficient monies to transfer: the monies for the hiring of 160 of the 300 police officers, the monies with which to avoid the cuts to and provide increases for the drug prevention and treatment programs, monies with which to lessen the need for a furlough, the monies with which to provide additional recreational programs for youth at risk, the monies for the cost-of-living increase for AFDC and General Public Assistance recipients, and the monies with which to restore some of the cuts to the AIDS program. By effecting savings elsewhere, the Committee of the Whole was able to do all of that and still report budgets which summed to $354,000 less than the Mayor's requests for the agencies and lines under its purview in FY 1989 and to $211,000 less than the Mayor's requests for agencies and lines under the Committee of the Whole's purview in FY 1990. I am also proud of the Committee of the Whole's action to implement a hiring freeze.

[2] All of the program increases (including the addition of 300 police officer positions) could have been funded by the committees from within the budget but for the increases reported by the Committee on Human Services for the Department of Human Services. For FY 1990, outside the Department of Human Services, the Mayor requested $2,359.1 million, and the committees reported $2,339.4 million or $19.7 million less than the Mayor requested. For the Department of Human Services, the Mayor requested $658.4 million, and the Committee on Human Services reported $691 million or $32.6 million more than the Mayor requested.

On March 16, 1989, I circulated what I hoped would be a compromise plan calling for cutting the class-one, real-property tax rate to $1.05 and for increasing spending by $10.9 million over the combined-committee mark in FY 1989[3] and by $8.2 million in FY 1990[4]. To pay for the increases in expenditures and the property tax relief which I recommended together with the net increases reported by the committees, I recommended reducing to FY 1988 levels the equipment budgets under the control of the Mayor (excluding the police, fire, and corrections departments), a salary-lapse adjustment to reflect the hiring freeze which had been recommended by the Committee of the Whole, and a new tax package totalling $14.2 million in FY 1989 and $49.6 million in FY 1990.

However, in discussing this proposition with members, both collectively and individually, it became clear to me that, given the assurance of the Chairperson on the Committee of Finance and Revenue to fund the budget, there were not the votes for the compromise which I offered.[5]

78.3

The final budget requires a revenue increase of $78.3 million.

Concerns

Recognizing my responsibility as Chairman of the Council to bring the body to a conclusion and recognizing that the process of consultation which I have encouraged over the years was followed, the measure which I have put before the Council reflects what the majority wants. However, in my individual capacity as a member of the Council, I must express my deep concern with the size of the final increase to the budget and particularly with the size of the tax increase that it will require.

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[1] This figure includes $1.15 million in increased tuition for the University of the District of Columbia.

[3] I recommended increasing the FY 1989 combined-committee marks by adding more monies for the avoidance of the furlough, for services to the homeless, and for deficit retirement.

[4] I recommended increasing the FY 1989 combined-committee marks by adding monies for the homeless and for deficit retirement and by setting aside $25.2 million for property tax relief.

[5] There was agreement as to the equipment and salary lapse cuts.

In stating this concern, I am painfully aware of the requirements of section 603(c) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973 which states:

> The budget shall identify any tax increases which shall be required in order to balance the budget as submitted. The Council shall be required to adopt such tax increases to the extent that its budget is approved.

That last sentence makes clear that, as an institution, the Council must be ready to back up its budgetary action with revenue-raising action. That being the law, it only follows that each Councilmember has a responsibility to support a tax package which equals or exceeds the increase in the budget which he/she supports. And, given what has been presented to us as proposals for revenue-raising, I am concerned that there might not be the support for those taxes.

I recognize that we have been told that, if there is a problem with an individual tax, the Council can adopt or raise another tax so long as it produces enough revenues to balance the budget. But, given what has happened in the few days in which these proposals have been before the public, I worry about what will happen down the road.

In the space of one day, between March 15 and March 16, 1989, the Finance and Revenue Chairperson revised his original proposal to drop the proposed sales tax on the services of employment agencies, the proposed sales tax on the services of credit collection agencies, the proposed tax on detective and protective services, and the proposed increase in the franchise surtax. During discussions, some us expressed a fear that the proposed increase in the retail sales tax on liquor and that the proposed increase in the cigarette tax would create an uncompetitive situation for D. C. businesses, particularly those close to borders, with the result that the tax base would diminish and the anticipated revenues would not be realized. Concerns were also raised about the economic transfer tax, advancing the date on which income from state and local obligations can be taxed, the proposed increase in the deed recordation and transfer taxes, and the sales tax on data processing. Indeed, of the $113.25 million in revenue increases originally proposed for FY 1990, members expressed serious problems with respect to $54.3 million of them within twenty-four hours of seeing them.

Some of the second thoughts which arose in that one-day period of time arose because Councilmembers were lobbied quickly by some of the affected industries as is the right of those affected industries to do. Part of my concern is that, given that the vote on the tax measure will not come until some time after the vote on the budget measure, other affected industries will awaken to the knocks on their door and begin to lobby as will be their right to do. Then Council will be faced with a choice between these taxes and taxes that more directly affect their constituents such as the income tax, the property tax, and the general sales tax. But "the Council shall be required to adopt such taxes to the extent its budget is approved."

I am also concerned that so much of the increase in this budget will go into the base and therefore inflate in the future--possibly requiring additional tax increases in future years.

Finally, I am concerned that the Council is reversing a trend it began six years ago of thorough review and restructuring of budgets with few or no tax increases. The Council had shown itself to be the superior branch of the government when it came to matters of the budget. I would have liked it better had we stuck to that course.

Because of the stated concerns that Councilmembers expressed with $54.3 million of the $113.25 million identified by the Finance and Revenue Committee Chairperson, I made one further effort at compromise at the final Committee of the Whole meeting on the entire budget, by moving $22.2 million in deletions to the FY 1990 budget (not including police or furlough) to reduce the revenue need to $56.1 million. This motion was designed to get the Council to a revenue need within the $59.95 million which is the result of subtracting the $54.2 million about which concerns were expressed from the $113.25 million. This compromise was also rejected.

TO:	Members of the Council
FROM:	David A. Clarke, Chairman Committee of the Whole
DATE:	March 21, 1989
SUBJECT:	Bill 8-150, the "Fiscal Year 1990 Budget Request Act"

Dave Clarke

The Committee of the Whole, to which this bill was referred, reports on the measure, and recommends its approval by the Council. All budget and revenue numbers in this report are in thousands of dollars unless otherwise noted.

PURPOSE OF THIS BILL

Bill 8-150 establishes the proposed operating expenditures and capital projects authority for the District for Columbia for Fiscal Year 1990. Bill 8-150 also indicates the authorized level of the Federal Payment.

CAPSULE LEGISLATIVE HISTORY

February 8, 1989	Bill 8-150 transmitted to the Council by the Mayor
February 8, 1989	Bill 8-150 introduced by Chairman David A. Clarke at the request of the Mayor
February 8, 1989	Bill 8-150 referred to the Committee of the Whole
February 10, 1989	Committee of the Whole briefing on the FY 1990 Budget by the Deputy Mayor for Finance
February 13, through March 6, 1989	Committee public hearings on Bill 8-150
February 17, 1989	Notice of introduction of Bill 8-150 published in the D.C. Register
March 6 through March 10, 1989	Mark-up of agency budget recommendations by the standing committees
March 21, 1989	Committee of the Whole mark-up of Bill 8-150
March 21, 1989	Scheduled Council vote and adoption of Bill 8-150, as amended, at an additional legislative meeting

BACKGROUND AND NEED FOR THIS BILL

Section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (Public Law 93-198,-DC Code sec. 47-301 (Home Rule Act)) requires the Mayor, at such time each year as the Council of the District of Columbia may direct, to submit to the Council an annual budget request for the District of Columbia government. The Council, in accordance with the Act, adopted the "Submission Date for the Fiscal Year 1990 Budget Approval Resolution of 1988" requiring the Mayor to submit to the Council the Fiscal Year 1990 annual budget request on or before February 8, 1989. Upon receipt of the budget request from the Mayor, the Council, in accordance with section 446 of the Home Rule Act, must within fifty calendar days of receipt, hold public hearings on the proposed annual budget request, and finally adopt, by act, an annual budget request for the District of Columbia government.

Bill 8-150, as amended by the Committee of the Whole, is intended to meet the requirements of section 446 of the Home Rule Act the Mayor transmitted the proposed Fiscal Year 1990 Budget Act and associated supporting schedules to the Council on February 8, 1989. Having considered the budget request justifications transmitted by the Mayor, the testimony and information offered by government officials, organizations and concerned citizens at the public hearings, the recommendations of the Council's standing committees, and other information made available during the review of the proposed budget for Fiscal Year 1990, the Committee of the Whole met on Tuesday, March 21, 1989 to mark-up and recommend to the Council a Fiscal Year 1990 budget for the operation of programs and delivery of services by the District of Columbia government.

GENERAL DISCUSSION OF THE MAYOR'S PROPOSED FISCAL YEAR 1990 BUDGET

The specific agency changes proposed by the Mayor's Budget Request are displayed in the following appropriations title summary table. The Mayor's Fiscal Year 1990 Budget Request is compared, in the table, to both the existing Fiscal Year 1989 Budget and to the Mayor's proposed Fiscal Year 1989 Supplemental Budget.

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APPROPRIATIONS TITLE SUMMARY TABLE:

ACTUAL SPENDING FOR
FISCAL YEAR 1988

CURRENT FISCAL YEAR 1989 BUDGET

SUPPLEMENTAL FISCAL YEAR 1989 BUDGET

THE MAYOR'S FISCAL YEAR 1990 BUDGET REQUEST

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AGENCY / LINE ITEM	(A) ACTUAL FY88	(B) CURRENT FY89	(C) MAYOR'S FY89	(D) MAYOR'S FY90	(E-D-B) CHANGE FROM CURRENT FY89 TO FY90	(F-D-C) CHANGE FROM MAYOR'S FY89 TO FY90
GOVERNMENT DIRECTION & SUPPORT						
COUNCIL OF THE DISTRICT OF COLUMBIA(AB)	7,305	8,067	8,067	8,213	146	146
DISTRICT OF COLUMBIA AUDITOR (AC)	675	784	784	805	21	21
ADVISORY NEIGHBORHOOD COMMISIONS (DX)	1,138	1,172	1,172	1,172	0	0
OFFICE OF THE MAYOR (AA)	1,725	1,837	1,837	1,877	40	40
OFFICE OF THE SECRETARY (BA)	2,225	2,233	2,121	2,124	-109	3
OFFICE OF THE INSPECTOR GENERAL (AD)	1,379	1,576	1,529	1,572	-4	43
OFFICE OF COMMUNICATIONS (BB)	481	629	600	612	-17	12
INTERGOVERNMENTAL RELATIONS(BP)	2,640	2,470	2,398	2,482	12	84
OFFICE OF THE CITY ADMINISTRATOR (AE)	1,219	1,445	1,402	1,438	-7	36
OFFICE OF PERSONNEL (BE)	16,388	16,549	15,644	16,081	-468	437
ADMINISTRATIVE SERVICES(AS)	32,280	31,551	28,761	29,225	-2,326	464
CONTRACT APPEALS BOARD (AF)	0	401	460	476	75	16
DEPUTY MAYOR FOR FINANCE (AT)	159	185	179	184	-1	5
OFFICE OF BUDGET (BC)	1,827	2,084	1,927	1,980	-104	53
OFFICE OF FINANCIAL MANAGEMENT (BF)	16,033	17,503	15,928	16,903	-600	975
DEPARTMENT OF FINANCE AND REVENUE (CA)	21,661	23,067	22,393	22,954	-113	561
BOARD OF ELECTIONS AND ETHICS (DL)	2,946	2,636	2,439	2,484	-152	45
OFFICE OF CAMPAIGN FINANCE (CJ)	1,162	1,129	1,095	1,123	-6	28
PUBLIC EMPLOYEES RELATIONS BOARD (CG)	250	297	297	302	5	5
OFFICE OF EMPLOYEES APPEALS (CH)	1,159	1,442	1,324	1,358	-84	34
DC RETIREMENT BOARD (DY)	763	807	807	818	11	11
METRO WASHINGTON COUNCIL OF GOVTS (EA)	364	370	370	383	13	13
STATEHOOD (CI)	150	150	150	150	0	0
BASEBALL COMMISSION (WS)	0	55	0	0	-55	0
TOTAL, GOVERNMENT DIRECTION & SUPPORT	$113,929	$118,439	$111,684	$114,716	$-3,723	$3,032
ECONOMIC DEVELOPMENT& REGULATION						
DEPUTY MAYOR ECONOMIC DEVELOPMENT (ED)	1,114	1,590	1,592	1,672	82	80
OFFICE OF PLANNING (BD)	3,418	3,877	3,683	3,678	-199	-5
HOUSING & COMMUNITY DEVELOPMENT(DB)	11,233	19,384	14,416	14,833	-4,551	417
PUBLIC & ASSISTED HOUSING (PH)	17,724	23,019	18,266	8,340	-14,679	-9,926
HOUSING ASSISTANCE FUND (PA)	0	0	22,800	32,900	32,900	10,100
DEPARTMENT OF EMPLOYMENT SERVICES (CF)	37,122	41,953	37,329	40,066	-1,887	2,737
BUSINESS & ECON DEVELOPMENT(EN)	2,787	6,960	5,412	5,463	-1,497	51
INTERNATIONAL BUSINESS (IB)	441	504	489	497	-7	8
MINORITY BUSINESS OPPORTUNITY COMM(EM)	994	1,110	1,046	0	-1,110	-1,046
HOUSING FINANCE AGENCY (DZ)	2,869	2,238	1,126	2,167	-71	1,041
BOARD OF APPEALS & REVIEW (DK)	92	52	189	190	138	1
BOARD OF EQUALIZATION & REVIEW (DA)	188	167	162	164	-3	2
CONSUMER & REGULATORY AFFAIRS (CR)	33,644	37,534	33,276	34,090	-3,444	814
PUBLIC SERVICE COMMISSION (DH)	3,775	4,360	4,360	4,791	431	431
OFFICE OF PEOPLES COUNSEL (DJ)	1,580	1,868	1,868	2,022	154	154
TOTAL, ECONOMIC DEVELOPMENT& REGULATION	$116,981	$144,616	$146,014	$150,873	$6,257	$4,859

AGENCY / LINE ITEM	(A) ACTUAL FY88	(B) CURRENT FY89	(C) MAYOR'S FY89	(D) MAYOR'S FY90	(E=D-B) CHANGE FROM CURRENT FY89 TO FY90	(F=D-C) CHANGE FROM MAYOR'S FY89 TO FY90
PUBLIC SAFETY & JUSTICE						
METROPOLITAN POLICE DEPARTMENT (FA)	197,687	207,157	207,157	217,800	10,643	10,643
FIRE DEPARTMENT (FB)	84,097	86,488	91,514	101,142	14,654	9,628
POLICE AND FIRE RETIREMENT SYSTEM (FD)	114,635	120,600	120,600	132,100	11,500	11,500
JUDGES RETIREMENT SYSTEM (FG)	2,601	2,600	2,600	3,200	600	600
COURT OF APPEALS (FM)	4,057	4,398	4,398	4,707	309	309
SUPERIOR COURT (FC)	50,806	54,646	54,646	55,939	1,293	1,293
DC COURT SYSTEM (FN)	18,522	20,080	20,080	20,178	98	98
OFFICE OF THE CORPORATION COUNSEL (CB)	12,317	13,487	13,240	13,764	277	524
SETTLEMENT OF CLAIMS AND SUITS (ZC)	13,986	10,608	18,900	17,700	7,092	-1,200
PUBLIC DEFENDER SERVICE (FE)	5,222	5,583	5,583	5,730	147	147
PRETRIAL SERVICES AGENCY (FF)	2,435	3,054	2,881	3,124	70	243
DEPARTMENT OF CORRECTIONS (FL)	194,527	193,855	213,355	227,470	33,615	14,115
BOARD OF PAROLE (DD)	3,931	5,068	4,978	5,524	456	546
NATIONAL GUARD (FK)	991	1,255	1,255	1,286	31	31
OFFICE OF EMERGENCY PREPAREDNESS (BN)	2,307	2,702	2,702	2,756	54	54
COMM ON JUDICIAL DISABILITIES (DQ)	125	128	124	126	-2	2
JUDICIAL NOMMINATION COMMISSION (DV)	34	37	37	37	0	0
LAW REVISION COMMISSION (DW)	222	220	214	218	-2	4
CIVILIAN COMPLAINT REVIEW BOARD (FH)	0	0	0	1,086	1,086	1,086
OFFICE OF CRIMINAL JUSTICE PLANS (BQ)	1,491	2,241	2,182	1,139	-1,102	-1,043
TOTAL, PUBLIC SAFETY & JUSTICE	$709,993	$734,207	$766,446	$815,026	$80,819	$48,580
PUBLIC EDUCATION SYSTEM						
PUBLIC SCHOOLS (GA)	432,753	452,403	455,803	480,579	28,176	24,776
TEACHERS RETIREMENT FUND (GX)	62,318	70,100	70,100	86,300	16,200	16,200
UNIV OF DISTRICT OF COLUMBIA (GF)	71,667	76,310	74,310	76,088	-222	1,778
EDUCATIONAL INSTITUTION LIC COMM (GH)	312	456	450	570	114	120
PUBLIC LIBRARY (CE)	16,616	18,515	18,126	18,744	229	618
COMM ON THE ARTS & HUMANITIES (BX)	3,005	4,192	4,007	3,527	-665	-480
PUBLIC SCHOOL OF LAW (LS)	1,814	1,948	1,948	3,134	1,186	1,186
TOTAL, PUBLIC EDUCATION SYSTEM	$588,485	$623,924	$624,744	$668,942	$45,018	$44,198
HUMAN SUPPORT SERVICES						
DEPARTMENT OF HUMAN SERVICES (JA)	617,868	616,555	631,726	658,364	41,809	26,638
DEPARTMENT OF RECREATION (HA)	31,188	34,900	31,420	32,706	-2,194	1,286
RECREATION PAY-AS-YOU-GO CAPITAL(HK)	0	950	547	547	-403	0
OFFICE ON AGING (BY)	11,438	13,699	13,699	13,728	29	29
DC GENERAL HOSPITAL SUBSIDY (JC)	41,930	50,933	44,430	46,293	-4,640	1,863
UNEMPLOYMENT COMPENSATION (BH)	3,693	2,940	5,887	4,393	1,453	-1,494
DISABILITY COMPENSATION (BG)	18,237	17,000	20,611	18,611	1,611	-2,000
OFFICE ON HUMAN RIGHTS (BR)	1,735	1,767	1,714	0	-1,767	-1,714
HUMAN RIGHTS & MBOC (HM)	0	0	0	2,830	2,830	2,830
OFFICE OF LATINO AFFAIRS (BZ)	1,628	2,084	1,980	1,994	-90	14
COMMISSION ON WOMEN (DP)	234	420	407	415	-5	8
DC ENERGY OFFICE (JF)	3,563	3,653	3,464	3,636	-17	172
TOTAL, HUMAN SUPPORT SERVICES	$731,514	$744,901	$755,885	$783,517	$38,616	$27,632

AGENCY / LINE ITEM	(A) ACTUAL FY88	(B) CURRENT FY89	(C) MAYOR'S FY89	(D) MAYOR'S FY90	(E=D-B) CHANGE FROM CURRENT FY89 TO FY90	(F=D-C) CHANGE FROM MAYOR'S FY89 TO FY90
PUBLIC WORKS						
DEPARTMENT OF PUBLIC WORKS (PW)	106,251	106,727	98,965	100,838	-5,889	1,873
PW PAY-AS-YOU-GO CAPITAL (KB)	2,319	4,703	2,168	2,168	-2,535	0
TAXICAB COMMISSION (TC)	1,479	1,945	1,887	1,968	23	81
WASH METRO AREA TRANSIT COMMISSION(KC)	86	86	86	86	0	0
WASH METRO AREA TRANSIT AUTHORITY (KE)	101,881	101,564	107,000	114,000	12,436	7,000
SCHOOL TRANSIT SUBSIDY (KD)	3,319	3,900	3,600	3,600	-300	0
TOTAL,PUBLIC WORKS	$215,335	$218,925	$213,706	$222,660	$3,735	$8,954
FINANCING & OTHER USES						
WASHINGTON CONVENTION CENTER (ER)	6,758	7,274	7,874	7,874	600	0
REPAYMENT OF LOANS AND INTEREST (DS)	219,851	235,796	229,962	251,474	15,678	21,512
REPAYMENT OF GENERAL FUND DEFICIT (ZA)	0	1,000	10,000	10,000	9,000	0
FURLOUGH SAVINGS (ZB)	0	0	-14,000	0	0	14,000
TERMS TEMPS SAVINGS (ZD)	0	0	-6,400	-6,400	-6,400	0
SALARY LAPSE (XC)	0	-2,747	-2,400	-2,400	347	0
EARLY OUT SAVINGS (XB)	0	0	-10,400	-10,400	-10,400	0
OPTICAL & DENTAL (PS)	2,572	2,569	2,569	2,569	0	0
INTEREST ON SHORT TERM BORROWING(ZF)	3,750	4,570	9,162	10,997	6,427	1,835
ENERGY ADJUSTMENT (ZZ)	0	-2,070	-2,070	-2,000	70	70
INAUGURAL EXPENSES (SB)	0	2,300	2,300	0	-2,300	-2,300
TOTAL,FINANCING & OTHER USES	$232,931	$248,692	$226,597	$261,714	$13,022	$35,117
TOTAL, GENERAL FUND	$2,709,168	$2,833,704	$2,845,076	$3,017,448	$183,744	$174,372
CAPITAL OUTLAY, GENERAL FUND	$278,866	$138,336	$255,616	$107,350	$-30,986	$-148,266
WATER & SEWER ENTERPRISE FUND						
UTILITY ADMINISTRATION (LC)	182,806	184,755	184,755	183,067	-1,688	-1,688
WASHINGTON AQUEDUCT (LB)	14,585	16,050	16,050	16,315	265	265
TOTAL,WATER & SEWER ENTERPRISE FUND	$197,391	$200,805	$200,805	$199,382	$-1,423	$-1,423
CAPITAL (H2O FUND)	$17,858	$24,200	$24,200	$29,700	$5,500	$5,500
LOTTERY ENTERPRISE FUND	$5,563	$8,050	$8,050	$8,600	$550	$550
CABLE TV ENTERPRISE FUND	$249	$1,000	$1,000	$1,600	$600	$600

Revenue Estimate

The Revenue Estimate of the Mayor

The Fiscal Year 1990 revenue estimate of the Mayor is made up of natural revenue growth of $161,372 and $21,551 requested in pending authority. Pending authority requires legislative action by the Council. The estimate totals $3,017,448 which is an increase of $172,372 from the revised Fiscal Year 1989 revenue estimate.

The following table contains the revenue estimate for Fiscal Year 1990 and a calculation of the change from the most recent estimate for Fiscal Year 1989. Also displayed are the earlier Fiscal Year 1989 estimate and the Fiscal Year 1988 actual collections.

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REVENUE SUMMARY TABLE:

DISPLAY OF FISCAL YEAR 1988
ACTUAL COLLECTIONS

FISCAL YEAR 1989 CURRENT ESTIMATE

THE FISCAL YEAR 1989 SUPPLEMENTAL ESTIMATE

AND THE FISCAL YEAR 1990 ESTIMATE

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REVENUE SOURCE	(A) ACTUAL FY88	(B) CURRENT FY89	(C) REVISED FY89	(D) MAYOR'S FY90	(E=D-B) DIFFERENCE: FY90 FROM CURRENT 89	(F=D-A) DIFFERENCE: FY90 FROM REVISED FY89
REAL PROPERTY TAXES	544,247	612,800	630,200	708,200	95,400	78,000
PERSONAL PROPERTY TAXES	58,411	64,300	63,000	68,600	4,300	5,600
PUBLIC SPACE/VAULT TAX	6,767	6,300	8,400	9,500	3,200	1,100
TOTAL, PROPERTY TAXES	$609,425	$683,400	$701,600	$786,300	$102,900	$84,700
TOTAL, GENERAL SALES & USE	$390,646	$426,200	$419,100	$445,500	$19,300	$26,400
ALCOHOLIC BEVERAGE TAX	5,731	6,720	6,700	6,700	-20	0
CIGARETTE TAX	11,210	11,110	10,400	10,200	-910	-200
INSURANCE TAX	30,212	23,630	28,000	28,560	4,930	560
MOTOR VEHICLE FUEL TAX	27,534	25,340	29,100	28,200	2,860	-900
MOTOR VEHICLE EXCISE TAX	28,599	30,100	29,300	29,300	-800	0
PUB UTILITY GROSS RECPTS	73,073	96,500	75,600	79,400	-17,100	3,800
TOTAL, SELECTIVE SALES&USE	$176,359	$193,400	$179,100	$182,360	$-11,040	$3,260
INDIVIDUAL INCOME TAX	571,628	588,600	609,000	657,600	69,000	48,600
CORPORATION FRANCHISE	120,094	162,578	131,610	142,439	-20,139	10,829
UNICORP BUS FRANCHISE	27,709	35,722	29,463	31,512	-4,210	2,049
ACCOUNTING ADJUSTMENT	21,200	0	0	0	0	0
TOTAL, INCOME TAXES	$740,631	$786,900	$770,073	$831,551	$44,651	$61,478
INHERITANCE & ESTATE TAX	33,559	11,100	17,500	15,200	4,100	-2,300
DEED RECORDATION TAX	34,250	36,900	37,000	40,000	3,100	3,000
DEED TRANSFER TAX	28,125	30,200	30,500	33,000	2,800	2,500
TOTAL, OTHER TAXES	$95,934	$78,200	$85,000	$88,200	$10,000	$3,200
HOTEL OCCUPANCY TAX	5,222	6,680	5,900	6,100	-580	200
FRANCHISE SURTAX	3,695	4,890	4,027	4,349	-541	322
TOTAL, CONVENTION CENTER	$8,917	$11,570	$9,927	$10,449	$-1,121	$522
BUSINESS L & P	14,264	17,421	15,912	17,304	-117	1,392
NONBUSINESS L & P	17,337	17,325	19,449	17,305	-20	-2,144
CHARGES FOR SERVICES	48,006	49,264	59,241	63,141	13,877	3,900
FINES & FORFEITURES	41,594	44,196	44,512	44,512	316	0
OTHER REVENUES	35,678	30,309	38,361	29,725	-584	-8,636
LEGALIZED GAMBLING	42,500	38,540	38,541	39,550	1,010	1,009
TOTAL, NONTAX REVENUES	$199,379	$197,055	$216,016	$211,537	$14,482	$-4,479
FEDERAL PAYMENT	430,500	430,500	430,500	425,000	-5,500	-5,500
REVENUE SHARING	0	0	0	0	0	0
SPECIAL FEDERAL FUNDS	29,000	22,300	22,300	15,000	-7,300	-7,300
TOTAL, FEDERAL SOURCES	$459,500	$452,800	$452,800	$440,000	$-12,800	$-12,800
TOTAL, FUNDING AUTHORITY	$0	$5,000	$11,460	$21,551	$16,551	$10,091
TOTAL, GENERAL FUND	$2,680,791	$2,834,525	$2,845,076	$3,017,448	$182,923	$172,372

Fiscal Year 1989 Supplemental

Revenue Estimate

The Mayor is estimating that the revenues in the current fiscal year will basically remain flat. Built upon this conservative estimate for the current fiscal year is the Fiscal Year 1990 estimate. While the Fiscal Year estimate contains growth, that growth is stunted by the low estimate for Fiscal Year 1989 upon which it is built.

For the past four fiscal years the revised estimate of revenues which have accompanied the Mayor's supplemental budgets have contained increases between $44 million and $78 million: much higher than the current revision. In addition, in six out of the last eight fiscal years, revenues have continued to grow even after the upward supplemental revision. In seven out of the past eight years, final revenue collections were greater than the original estimate such as the estimate associated with the Fiscal Year 1990 budget now before the Council.

Even in Fiscal Year 1988, when the City ran a deficit, final revenues were $57 million greater than the original estimate.

In the Table which follows, the supplemental revenue estimate changes are displayed for Fiscal Years 1981 through Fiscal Year 1989. Under the "total" line on the second page, additional changes are shown. The "additional changes" shown are the difference between the supplemental revenue estimate and the final collections for the entire general fund.

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REVENUE SUMMARY ~~TABLE~~:

DISPLAY OF THE HISTORY
OF SUPPLEMENTAL REVENUE ESTIMATES
FOR FISCAL YEARS 1981
THROUGH FISCAL YEAR 1989

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SUPPLEMENTAL INCR [illegible] (ALL NUMBERS IN THOUSANDS)

REVENUE SOURCE	FY81	FY82	FY83	FY84	FY85	FY86	FY87	FY88	FY89
REAL PROPERTY TAXES	12,623	38,174	11,800	0	15,700	3,870	23,400	22,800	17,400
PERSONAL PROPERTY TAXES	1,200	2,200	700	7,900	2,200	800	3,600	1,700	-1,300
PUBLIC SPACE/VAULT TAX	0	0	0	0	2,900	900	700	100	2,100
TOTAL, PROPERTY TAXES	$13,823	$40,374	$12,500	$7,900	$20,800	$5,570	$27,700	$24,600	$18,200
TOTAL, GENERAL SALES & USE	$4,648	$24,660	$-22,000	$19,150	$24,660	$-900	$-15,800	$-7,300	$-7,100
ALCOHOLIC BEVERAGE TAX	-450	-530	-150	-900	-650	-350	200	-960	-20
CIGARETTE TAX	225	-175	-200	200	0	-400	699	550	-710
INSURANCE TAX	-800	-792	-400	-300	3,291	0	100	1,900	4,370
MOTOR VEHICLE FUEL TAX	0	1,350	3,380	2,000	1,500	-1,500	-1,802	1,200	3,760
MOTOR VEHICLE EXCISE TAX	-2,000	0	2,300	8,400	4,600	-400	2,198	800	-800
PUB UTILITY GROSS RECPTS	0	700	11,200	-7,000	-13,400	-1,600	-24,800	16,200	-20,900
BANK TAXES	0	600	-10,400	-2,400	-700	0	0	0	0
S & L TAXES	0	800	-1,600	-1,900	300	0	0	0	0
TOTAL, SELECTIVE SALES&USE	$-3,025	$1,953	$4,130	$-1,900	$-5,059	$-4,250	$-23,405	$19,690	$-14,300
INDIVIDUAL INCOME TAX	15,000	39,033	-16,000	-14,900	13,400	12,300	7,175	23,900	20,400
CORPORATION FRANCHISE	0	600	14,600	16,650	6,500	8,200	34,938	11,800	-30,968
UNICORP BUS FRANCHISE	0	3,340	0	5,350	4,080	8,300	2,533	-11,000	-6,259
ACCOUNTING ADJUSTMENT	0	0	0	0	0	0	0	27,151	0
TOTAL, INCOME TAXES	$15,000	$42,973	$-1,400	$7,100	$23,980	$28,800	$44,646	$51,851	$-16,827
INHERITANCE & ESTATE TAX	580	850	1,800	5,300	2,300	1,900	1,440	-2,300	6,400
DEED RECORDATION TAX	0	0	200	5,400	5,600	-1,300	8,800	5,200	100
DEED TRANSFER TAX	500	3,000	-2,650	5,650	3,100	-1,200	11,900	4,200	300
TOTAL, OTHER TAXES	$1,080	$3,850	$-650	$16,350	$11,000	$-600	$22,140	$7,100	$6,800
HOTEL OCCUPANCY TAX	0	0	0	0	0	1,400	-850	740	-780
FRANCHISE SURTAX	0	0	0	841	982	805	1,869	-4,390	-863
TOTAL, CONVENTION CENTER	$0	$0	$0	$841	$982	$2,205	$1,019	$-3,650	$-1,643

SUPPLEMENTAL INCREASE (ALL NUMBERS IN THOUSANDS)

REVENUE SOURCE	FY81	FY82	FY83	FY84	FY85	FY86	FY87	FY88	FY89
BUSINESS L & P	2,287	-66	-1,718	-745	-32	-964	290	384	-1,509
NONBUSINESS L & P	0	-279	91	-620	-1,050	-583	685	-1,571	2,124
CHARGES FOR SERVICES	-585	883	578	842	118	7,163	6,096	1,265	9,977
FINES & FORFETURES	-2,762	-4,163	-3,166	-3,015	1,827	13,012	9,897	60	316
OTHER REVENUES	8,700	4,820	-9,906	-6,044	252	-2,154	-5,068	-4,834	8,052
LEGALIZED GAMBLING	-17,810	0	-3,185	-11,804	-3,901	5,099	-9,182	-6,634	1
TOTAL, NONTAX REVENUES	$-10,170	$1,195	$-17,306	$-21,386	$-2,786	$21,573	$2,718	$-11,330	$18,961
FEDERAL PAYMENT	0	0	0	0	0	-12,642	0	0	0
REVENUE SHARING	0	-488	-2,047	967	-698	-2,463	0	0	0
SPECIAL FEDERAL FUNDS	0	0	0	0	32,173	12,907	0	-1,000	0
TOTAL, FEDERAL SOURCES	$0	$-488	$-2,047	$967	$31,475	$-2,198	$0	$-1,000	$0
TOTAL, PENDING AUTHORITY	$-3,200	$-20,024	$1,619	$-17,640	$-31,432	$-5,260	$2,218	$-2,438	$6,460
TOTAL, TAX AMNESTY	$0	$0	$0	$0	$0	$0	$-10,000	$0	$0
TOTAL, GENERAL FUND	$18,156	$94,493	$-25,154	$11,382	$73,620	$44,940	$51,236	$77,523	10,551
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ADDITIONAL CHANGE TO ACTUAL	$42,519	$-10,786	$15,152	$10,192	$28,410	$8,459	$9,595	$-20,474	

Fiscal Year 1988 Revenue Collections

Compared to Estimates

Revenue estimation is not an exact science. The factors that affect the actual collections are not entirely predictable and the magnitude of change in the collections against the estimate is a result of a host of variables, many of which are not stable over time. The presentation in the table that follows demonstrates the volatility of the revenue estimates.

Contained in the table are the three revenue estimates presented to the Council for Fiscal Year 1988 and the actual collections for the fiscal year. The first estimate in the table was presented with the submission of the Fiscal Year 1988 Budget Request. The second estimate accompanied the First Fiscal Year 1988 Supplemental Budget Request. The third estimate was submitted with the Second Fiscal Year 1988 Supplemental Budget Request. Lastly, the actual collections are shown. The change calculation is the difference between the first estimate and the actual collections. Final collections were $57 million greater than the original estimate.

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REVENUE SUMMARY TABLE:

DISPLAY OF THE REVENUE ESTIMATES

FOR FISCAL YEAR 1988

AND ACTUAL COLLECTIONS FOR

FOR FISCAL YEAR 1988

* * *

FISCAL YEAR 1988 (** NUMBERS IN THOUSANDS)

REVENUE SOURCE	(A) ORIGINAL ESTIMATE APPROVAL	(B) SUPP I ESTIMATE APPROVAL	(C) SUPP II ESTIMATE APPROVAL	(D) ACTUAL COLLECTIONS	(E-D-C) DIFFERENCE OF ACTUAL FROM SUPP II	D-A) DIFFERENCE OF ACTUAL FROM ORIGINAL
REAL PROPERTY TAXES	519,900	536,874	542,700	544,247	1,547	24,347
PERSONAL PROPERTY TAXES	56,700	58,400	58,400	58,411	11	1,711
PUBLIC SPACE/VAULT TAX	5,700	5,800	5,800	6,767	967	1,067
TOTAL, PROPERTY TAXES	$582,300	$601,074	$606,900	$609,425	$2,525	$27,125
TOTAL, GENERAL SALES & USE	$411,500	$404,200	$404,200	$390,646	$-13,554	$-20,854
ALCOHOLIC BEVERAGE TAX	7,500	6,540	6,540	5,731	-809	-1,769
CIGARETTE TAX	10,800	11,350	11,350	11,210	-140	410
INSURANCE TAX	22,600	24,500	24,500	30,212	5,712	7,612
MOTOR VEHICLE FUEL TAX	24,000	25,200	25,200	27,534	2,334	3,534
MOTOR VEHICLE EXCISE TAX	28,500	29,300	29,300	28,599	-701	99
PUB UTILITY GROSS RECPTS	75,700	91,900	91,900	73,073	-18,827	-2,627
TOTAL, SELECTIVE SALES&USE	$169,100	$188,790	$188,790	$176,359	$-12,431	$7,259
INDIVIDUAL INCOME TAX	526,000	549,900	549,900	571,628	21,728	45,628
CORPORATION FRANCHISE	131,800	143,600	143,600	120,094	-23,506	-11,706
UNICORP BUS FRANCHISE	43,900	32,900	32,900	27,709	-5,191	-16,191
ACCOUNTING ADJUSTMENT	0	0	27,151	21,200	-5,951	21,200
TOTAL, INCOME TAXES	$701,700	$726,400	$753,551	$740,631	$-12,920	$38,931
INHERITANCE & ESTATE TAX	32,100	29,800	29,800	33,559	3,759	1,459
DEED RECORDATION TAX	28,000	33,200	33,200	34,250	1,050	6,250
DEED TRANSFER TAX	23,000	27,200	27,200	28,125	925	5,125
TOTAL, OTHER TAXES	$83,100	$90,200	$90,200	$95,934	$5,734	$12,834
HOTEL OCCUPANCY TAX	5,500	6,240	6,240	5,222	-1,018	-278
FRANCHISE SURTAX	8,800	4,410	4,410	3,695	-715	-5,105
TOTAL, CONVENTION CENTER	$14,300	$10,650	$10,650	$8,917	$-1,733	$-5,383

FISCAL YEAR 1988 (ALL NUMBERS IN THOUSANDS)

REVENUE SOURCE	(A) ORIGINAL ESTIMATE APPROVAL	(B) SUPP I ESTIMATE APPROVAL	(C) SUPP II ESTIMATE APPROVAL	(D) ACTUAL COLLECTIONS	(E=D-C) DIFFERENCE OF ACTUAL FROM SUPP II	(F=D-A) DIFFERENCE OF ACTUAL FROM ORIGINAL
BUSINESS L & P	16,321	16,705	16,705	14,264	-2,441	-2,057
NONBUSINESS L & P	18,896	17,325	17,325	17,337	12	-1,559
CHARGES FOR SERVICES	47,077	48,342	48,342	48,006	-336	929
FINES & FORFEITURES	44,117	44,177	44,177	41,594	-2,583	-2,523
OTHER REVENUES	24,688	19,854	19,854	35,678	15,824	10,990
LEGALIZED GAMBLING	45,143	38,509	38,509	42,500	3,991	-2,643
TOTAL, NONTAX REVENUES	$196,242	$184,912	$184,912	$199,379	$14,467	$3,137
FEDERAL PAYMENT	430,500	430,500	430,500	430,500	0	0
SPECIAL FEDERAL FUNDS	30,000	29,000	29,000	29,000	0	-1,000
TOTAL, FEDERAL SOURCES	$460,500	$459,500	$459,500	$459,500	$0	$-1,000
TOTAL, PENDING AUTHORITY	$5,000	$3,600	$2,562	$0	$-2,562	$-5,000
TOTAL, GENERAL FUND	$2,623,742	$2,669,326	$2,701,265	$2,680,791	$-20,474	$57,049

SUMMARY OF STANDING COMMITTEE RECOMMENDATIONS

Public Hearings

Each standing committee of the Council convened public hearing on the proposed budgets of the agencies for which they have oversight responsibility. The budget hearings occurred on the following dates:

Committee of the Whole: February 21

Committee on Consumer and Regulatory Affairs: February 21

Committee on Public Services: February 27

Committee on Finance and Revenue: February 13

Committee on Government Operations: March 2

Committee on Housing and Economic Development: February 28 and March 1, 2, 3 and 6

Committee on Human Services: February 16, 22 and 23

Committee on the Judiciary: February 15 and 24

Committee on Education and Libraries: February 13 and 17

Committee on Public Works: February 14

Mark-ups

The standing committees of the Council recommended net increases to the budget requested by the Mayor of $12,967. The reports of the standing committees are attached to this report and are a part of this report.

A summary of the Committee changes to the Mayor's Request follows:

Committee of the Whole

The Committee recommended an overall net decrease of $12,786 to the agencies and line items under its purview affecting the following line items:

1. Debt Service, decrease of $2,768.
2. Deficit Repayment, decrease of $5,000
3. Early out savings, decrease of $5,000

The Committee redirected $12,557 of its savings in the following way:

1. $5,000 for hiring of 160 additional sworn police officers
2. $750 to provide for a restoration of the Mayor's proposed reduction to the food for the homeless program
3. $808 to provide for a restoration of one-half of the Mayor's proposed reduction to the AIDS program

4. $1,900 to provide for the cost of living increase for AFDC participants

5. $584 to provide for the cost of living increase for GPA participants

6. $2,515 to provide for a restoration of of the Mayor's proposed reduction to Drug Treatment programs and an additional increase to allow for a 5% in the programs

7. $1,000 to provide for youth programs in the Department of Recreation for youth at risk in the community.

Committee on Finance and Revenue

The Committee on Finance and Revenue deleted a vacant position within the Department of Finance Revenue. The vacant Deputy Director (DS-15) position remained unfilled since December 1, 1982. The Committee also deleted 6 new positions created for the Lottery and Charitable Games Control Board. There were no other changes with respect to the agencies under the Committee's purview.

Committee on Government Operations

The Committee recommended a total net reduction of $1,981 which includes an increase of $10 within the agency budgets under its purview, affecting the following agencies:

1. Office of the Mayor, decrease of $398 and the removal of 9 positions from the authorized position level

2. Office of Communications, decrease of $104 and 1 position

3. Office of Intergovernmental Relations, decrease of $264 and 5 positions

4. Office of the Inspector General, decrease of $100

5. Department of Administrative Services, decrease of $594 and 3 positions

6. Office of Personnel, decrease of $500

7. Board of Elections and Ethics, increase of $10

8. Contract Appeals Board, decrease of $31

Committee on Consumer and Regulatory Affairs

The Committee recommended an overall net reduction of $1,005 with no change in positions. In making this recommendation, the Committee reduced funding without reducing positions. The following changes were made with respect to the Department of Consumer and Regulatory Affairs:

1. Office of the Director, decrease of $305

2. Office of Administration and Management, decrease of $75

3. Occupat'l and Bus. Licensure, decrease of $105

4. Bldg., Land, & Ser., Fac. Admin., decrease of $397

5. Housing & Envir'l Reg. Administration, decrease of $123

Committee on the Judiciary

The Committee recommended an overall net increase of $5,000 and 286 positions for the agency budgets under its purview affecting the following agencies:

1. Police Department, increase of $10,885 and 300 sworn police officers with $5,000 of the increase being an acceptance of the redirection from the Committee of the Whole of funds to hire 160 sworn police officers. The Committee also increased the position level by 100 for additional police cadets.
2. Fire Department, decrease of $1,524.
3. Superior Court, increase of $2,000 and 17 positions
4. Corporation Counsel, decrease of $380.
5. Settlements & Judgments, decrease of $2,000.
6. Public Defender Service, increase of $1,278 and 22 positions.
7. Department of Corrections, decrease of $5,005 and 150 positions.
8. National Guard, increase of $99 and 2 positions.
9. Civilian Complaint Review Board, decrease of $299 and 5 positions.
10. Board of Appeals and Review, decrease of $54.

Committee on Public Works

The Committee recommended an overall net increase of $1,424 to the agency budgets under its jurisdiction. The following changes offset the revisions among the budgets under its jurisdiction:

1. Fleet Management Administration, decrease of $185
2. Transportation Systems Administration, decrease of $535
3. Public Space Maintenance Administration, increase of $474
4. Office of Policy and Planning, decrease of $37
5. Office of the Director, increase of $26
6. Pay-As-You-Go Capital, increase of $912
7. Taxicab Commission, decrease of $148
8. Information Services, decrease of $125

In approving this net increase the Committee also recommended pending authority to fund the increase. The Committee approved:

1. a five dollar increase in residential parking permit fees yielding $384 in Fiscal Year 1990.

2. a twenty-five dollar increase in booting fees yielding $456 in Fiscal Year 1990.

3. a twenty-five dollar increase in towing fees yielding $620 in Fiscal Year 1990.

Committee on Public Services

The Committee recommended, for the Department of Recreation, a net increase of $1,000 with 2 additional positions. The increase represented an acceptance of the redirection from the Committee of the Whole of $1,000 for youth at risk in the community.

Committee on Education and Libraries

The Committee recommended an overall net increase of $5,169 in association with the following budgets under its jurisdiction:

1. Public Library, increase of $105

2. Board of Education, increase of $3,758

3. District of Columbia School of Law, increase of $306

4. University of the District of Columbia, increase of $1,000

In approving this net increase the Committee also recomended pending authority to fund the increase. The Committee approved:

1. the "Cigarette Tax Amendment Act of 1989" yielding $4.4 million in Fiscal Year 1990.

2. the "Repeal of the Exemption from the District of Columbia Income Tax Act of 1989" which would repeal the current exemption of DC lottery winnings from taxation yielding $548 in Fiscal Year 1990.

Committee on Human Services

The Committee recommended an overall net increase of $32,657 with no change in the number of positions for the agency budgets under its jurisdiction. The Department of Human Services was the only agency affected. The net increase occurred within the following programs:

1. Executive Direction and Support, decrease of $65
2. Commissioner of Social Services, increase of $15,400 of which $750 was a redirection from the Committee of the Whole
3. Aid to Families with Dependent Children, increase of $1,900 which was a redirection from the Committee of the Whole
4. Child Day Care, increase $3,097
5. Family Services Administration, increase $1,500
6. General Public Assistance, increase of $584, which was a redirection from the Committee of the Whole
7. Mental Retardation and Dev'tl Disabilities Admin., increase of $699
8. Rehabilitation Services Administration, increase of $350
9. Youth Services Administration, increase of $180
10. Medicaid/Medical Charities, increase of $185.

11. Commissioner of Public Health, increase of $2,300 of which $808 was a redirection from the Committee of the Whole
12. ADASA, increase of $2,715. which was a redirection from the Committee of the Whole
13. Ambulatory Health Care, increase of $1,380
14. D.C. Village, increase of $1,362.
15. Long Term Care Administration, increase of $1,000
16. Preventive Health Services, increase of $100

The Committee on Human Services recommended that there be no budget for the Housing Assistance Fund until the legislation to create the Fund is adopted. It is therefore recommended that the $15,900 the Mayor proposed transfering to the Fund from DHS be returned to DHS.

Committee on Housing & Economic Development

The Committee recommend a reduction of $442 to the Department of Employment Services. as well as a decrease of one position within Office of Business and Economic Development.

The Chairperson of both the Committee on Housing & Economic Development and the Committee on Human Services have agreed that there will be no budget for the Housing Assistance Fund until the legislation to create the Fund is adopted. It is therefore recommended that the $17,000 the Mayor proposed transfering to the Fund from the Department of Public & Assisted Housing be returned to the Department's budget.

The Table which follows, displays the Committee actions.

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APPROPRIATIONS TITLE SUMMARY:

FISCAL YEAR 1990

ACTUAL FISCAL YEAR 1988 SPENDING

MAYOR'S FISCAL YEAR 1989 BUDGET

MAYOR'S FISCAL YEAR 1990 BUDGET

COMMITTEE RECOMMENDATIONS

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AGENCY / LINE ITEM	(A) ACTUAL FY88	(B) MAYOR'S FY89	(C) MAYOR'S FY90	(D) COMMS FY90	(E=D-C) COMMS CHANGE
GOVERNMENT DIRECTION & SUPPORT					
COUNCIL OF THE DISTRICT OF COLUMBIA(AB)	7,305	8,067	8,213	8,213	0
DISTRICT OF COLUMBIA AUDITOR (AC)	675	784	805	805	0
ADVISORY NEIGHBORHOOD COMMISIONS (DX)	1,138	1,172	1,172	1,172	0
OFFICE OF THE MAYOR (AA)	1,725	1,837	1,877	1,479	-398
OFFICE OF THE SECRETARY (BA)	2,225	2,121	2,124	2,124	0
OFFICE OF THE INSPECTOR GENERAL (AD)	1,379	1,529	1,572	1,472	-100
OFFICE OF COMMUNICATIONS (BB)	481	600	612	508	-104
INTERGOVERNMENTAL RELATIONS(BP)	2,640	2,398	2,482	2,218	-264
OFFICE OF THE CITY ADMINISTRATOR (AE)	1,219	1,402	1,438	1,438	0
OFFICE OF PERSONNEL (BE)	16,388	15,644	16,081	15,581	-500
ADMINISTRATIVE SERVICES(AS)	32,280	28,761	29,225	28,631	-594
CONTRACT APPEALS BOARD (AF)	0	460	476	445	-31
DEPUTY MAYOR FOR FINANCE (AT)	159	179	184	184	0
OFFICE OF BUDGET (BC)	1,827	1,927	1,980	1,980	0
OFFICE OF FINANCIAL MANAGEMENT (BF)	16,033	15,928	16,903	16,903	0
DEPARTMENT OF FINANCE AND REVENUE (CA)	21,661	22,393	22,954	22,954	0
BOARD OF ELECTIONS AND ETHICS (DL)	2,946	2,439	2,484	2,494	10
OFFICE OF CAMPAIGN FINANCE (CJ)	1,162	1,095	1,123	1,123	0
PUBLIC EMPLOYEES RELATIONS BOARD (CG)	250	297	302	302	0
OFFICE OF EMPLOYEES APPEALS (CH)	1,159	1,324	1,358	1,358	0
DC RETIREMENT BOARD (DY)	763	807	818	818	0
METRO WASHINGTON COUNCIL OF GOVTS (EA)	364	370	383	383	0
STATEHOOD (CI)	150	150	150	150	0
BASEBALL COMMISSION (WS)	0	0	0	0	0
TOTAL, GOVERNMENT DIRECTION & SUPPORT	$113,929	$111,684	$114,716	$112,735	$-1,981
ECONOMIC DEVELOPMENT& REGULATION					
DEPUTY MAYOR ECONOMIC DEVELOPMENT (ED)	1,114	1,592	1,672	1,672	0
OFFICE OF PLANNING (BD)	3,418	3,683	3,678	3,678	0
HOUSING & COMMUNITY DEVELOPMENT(DB)	11,233	14,416	14,833	14,833	0
PUBLIC & ASSISTED HOUSING (PH)	17,724	18,266	8,340	25,340	17,000
HOUSING ASSISTANCE FUND (PA)	0	22,800	32,900	0	-32,900
DEPARTMENT OF EMPLOYMENT SERVICES (CF)	37,122	37,329	40,066	39,624	-442
BUSINESS & ECON DEVELOPMENT(EN)	2,787	5,412	5,463	5,463	0
INTERNATIONAL BUSINESS (IB)	441	489	497	497	0
MINORITY BUSINESS OPPORTUNITY COMM(LM)	994	1,046	0	0	0
HOUSING FINANCE AGENCY (DZ)	2,869	1,126	2,167	2,167	0
BOARD OF APPEALS & REVIEW (DK)	92	189	190	136	-54
BOARD OF EQUALIZATION & REVIEW (DA)	188	162	164	164	0
CONSUMER & REGULATORY AFFAIRS (CR)	33,644	33,276	34,090	33,084	-1,006
PUBLIC SERVICE COMMISSION (DH)	3,775	4,360	4,791	4,791	0
OFFICE OF PEOPLES COUNSEL (DJ)	1,580	1,868	2,022	2,022	0
TOTAL, ECONOMIC DEVELOPMENT& REGULATION	$116,981	$146,014	$150,873	$133,471	$-17,402
PUBLIC SAFETY & JUSTICE					
METROPOLITAN POLICE DEPARTMENT (FA)	197,687	207,157	217,800	228,685	10,885
FIRE DEPARTMENT (FB)	84,097	91,514	101,142	99,618	-1,524
POLICE AND FIRE RETIREMENT SYSTEM (FD)	114,635	120,600	132,100	132,100	0
JUDGES RETIREMENT SYSTEM (FG)	2,601	2,600	3,200	3,200	0
COURT OF APPEALS (FM)	4,057	4,398	4,707	4,707	0
SUPERIOR COURT (FC)	50,806	54,646	55,939	57,939	2,000
DC COURT SYSTEM (FN)	18,522	20,080	20,178	20,178	0
OFFICE OF THE CORPORATION COUNSEL (CB)	12,317	13,240	13,764	13,384	-380
SETTLEMENT OF CLAIMS AND SUITS (ZC)	13,986	18,900	17,700	15,700	-2,000
PUBLIC DEFENDER SERVICE (FE)	5,222	5,583	5,730	7,008	1,278
PRETRIAL SERVICES AGENCY (FF)	2,435	2,881	3,124	3,124	0
DEPARTMENT OF CORRECTIONS (FL)	194,527	213,355	227,470	222,465	-5,005
BOARD OF PAROLE (DD)	3,931	4,978	5,524	5,524	0
NATIONAL GUARD (FK)	991	1,255	1,286	1,385	99
OFFICE OF EMERGENCY PREPAREDNESS (BN)	2,307	2,702	2,756	2,756	0
COMM ON JUDICIAL DISABILITIES (DQ)	125	124	126	126	0
JUDICIAL NOMMINATION COMMISSION (DV)	34	37	37	37	0
LAW REVISION COMMISSION (DW)	222	214	218	218	0
CIVILIAN COMPLAINT REVIEW BOARD (FH)	0	0	1,086	787	-299
OFFICE OF CRIMINAL JUSTICE PLANS (BQ)	1,491	2,182	1,139	1,139	0
TOTAL, PUBLIC SAFETY & JUSTICE	$709,993	$766,446	$815,026	$820,080	$5,054
PUBLIC EDUCATION SYSTEM					
PUBLIC SCHOOLS (GA)	432,753	455,803	480,579	484,337	3,758
TEACHERS RETIREMENT FUND (GX)	62,318	70,100	86,300	86,300	0
UNIV OF DISTRICT OF COLUMBIA (GF)	71,667	74,310	76,088	77,088	1,000
EDUCATIONAL INSTITUTION LIC COMM (GH)	312	450	570	570	0
PUBLIC LIBRARY (CE)	16,616	18,126	18,744	18,849	105
COMM ON THE ARTS & HUMANITIES (BX)	3,005	4,007	3,527	3,527	0
PUBLIC SCHOOL OF LAW (LS)	1,814	1,948	3,134	3,440	306
TOTAL, PUBLIC EDUCATION SYSTEM	$588,485	$624,744	$668,942	$674,111	$5,169

AGENCY / LINE ITEM	(A) ACTUAL FY88	(B) MAYOR'S FY89	(C) MAYOR'S FY90	(D) COMMS FY90	(E=D-C) COMMS CHANGE
HUMAN SUPPORT SERVICES					
DEPARTMENT OF HUMAN SERVICES (JA)	617,868	631,726	658,364	691,021	32,657
DEPARTMENT OF RECREATION (HA)	31,188	31,420	32,706	33,706	1,000
RECREATION PAY-AS-YOU-GO CAPITAL(HK)	0	547	547	547	0
OFFICE ON AGING (BY)	11,438	13,699	13,728	13,728	0
DC GENERAL HOSPITAL SUBSIDY (JC)	41,930	44,430	46,293	46,293	0
UNEMPLOYMENT COMPENSATION (BH)	3,693	5,887	4,393	4,393	0
DISABILITY COMPENSATION (BG)	18,237	20,611	18,611	18,611	0
OFFICE ON HUMAN RIGHTS (BR)	1,735	1,714	0	0	0
HUMAN RIGHTS & MAOC (HM)	0	0	2,830	2,830	0
OFFICE OF LATINO AFFAIRS (BZ)	1,628	1,980	1,994	1,994	0
COMMISSION ON WOMEN (DP)	234	407	415	415	0
DC ENERGY OFFICE (JF)	3,563	3,464	3,636	3,636	0
TOTAL,HUMAN SUPPORT SERVICES	$731,514	$755,085	$783,517	$817,174	$33,657
PUBLIC WORKS					
DEPARTMENT OF PUBLIC WORKS (PW)	106,251	98,965	100,838	101,312	474
PW PAY-AS-YOU-GO CAPITAL (KB)	2,319	2,168	2,168	3,080	912
TAXICAB COMMISSION (IC)	1,479	1,887	1,968	1,820	-148
WASH METRO AREA TRANSIT COMMISSION(KC)	86	86	86	86	0
WASH METRO AREA TRANSIT AUTHORITY (KE)	101,881	107,000	114,000	114,000	0
SCHOOL TRANSIT SUBSIDY (KD)	3,319	3,600	3,600	3,600	0
TOTAL,PUBLIC WORKS	$215,335	$213,706	$222,660	$223,898	$1,238
FINANCING & OTHER USES					
WASHINGTON CONVENTION CENTER (ER)	6,758	7,874	7,874	7,874	0
REPAYMENT OF LOANS AND INTEREST (DS)	219,851	229,962	251,474	248,706	-2,768
REPAYMENT OF GENERAL FUND DEFICIT (ZA)	0	10,000	10,000	5,000	-5,000
FURLOUGH SAVINGS (ZB)	0	-14,000	0	0	0
TERMS TEMPS SAVINGS (ZD)	0	-6,400	-6,400	-6,400	0
SALARY LAPSE (XC)	0	-2,400	-2,400	-2,400	0
EARLY OUT SAVINGS (XB)	0	-10,400	-10,400	-15,400	-5,000
OPTICAL & DENTAL (PS)	2,572	2,569	2,569	2,569	0
INTEREST ON SHORT TERM BORROWING(ZF)	3,750	9,162	10,997	10,997	0
ENERGY ADJUSTMENT (ZZ)	0	-2,070	-2,000	-2,000	0
INAUGURAL EXPENSES (SB)	0	2,300	0	0	0
TOTAL,FINANCING & OTHER USES	$232,931	$226,597	$261,714	$248,946	$-12,768
TOTAL, GENERAL FUND	$2,709,168	$2,845,076	$3,017,448	$3,030,415	$12,967

FINAL CHANGES TO THE FISCAL YEAR 1990 BUDGET REQUEST

Operating Budget

The Committee of the Whole concurs with the changes made to the Mayor's Budget Request by the Committees as well as the directives made by each Committee and suggested changes to Bill 8-150. The reports of the Committees are attached to this report and are a part of this report.

The Committee of the Whole changes to the Fiscal Year 1990 Budget as reported by the Committees are:

1. Department of Public & Assisted Housing: +$4,000

   An increase of $4,000 will fund the Tenant Assistance Program administered by the Department of Public & Assisted Housing at the level requested by the Mayor.

2. Metropolitan Police Department: +$3,700

   This increase will provide necessary equipment for the increase of 300 sworn police officers approved by the Judiciary Committee 160 of which were funded through redirections approved by the Committee of the Whole in its markup of the agencies under its purview.

3. Superior Court: +$4,400

   An increase of $4,4000 for the Superior Court, when combined with the $2,000 increase recommended by the Judiciary Committee, will provide the Court with its full budget request.

4. Department of Corrections: +$5,000

   This increase will restore the reduction made by the Committee on the Judiciary to the Mayor's requested increase to the Department of Corrections.

5. Public Schools: +$16,242

   An increase of +$16,242 for the Public Schools will bring the Schools budget to over $500 million.

6. U.D.C.: -$1,000

   A reduction to the appropriated budget of the University can be offset by an increase in tuition which will raise more than $1 million. With that increase the funding will be available to offset the need for the appropriated funding increase recommended by the Committee on Education and Libraries.

7. Department of Human Services: +$3,250

   The increase of $3,250 will restore the reduction to the homeless budget within the Department of Human Services approved by the Committee on Human Services.

8. Debt Service: +$2,768

   The increase of $2,850 will restore the reduction to debt service costs approved by the Committee on the Whole and thus permit the borrowing of 100% of planned borrowings in Fiscal Year 1990.

9. Repayment of the General Fund Deficit: +14,558

   This increase to the budget for the Repayment of the General Fund Deficit would bring the repayment to almost $20 million.

10. Equipment Reduction: -$6,100

    The Committee recommends an unallocated reduction to Object Class 70 (Equipment). In the agencies under the control of the Mayor and not including police, fire or corrections, equipment was underspent in Fiscal Year 1988 by $4.9 million. Those agencies spent $14.7 million in Fiscal Year 1988 against a budget of $19.6 million. Now in Fiscal Year 1990 these agencies have an equipment budget of $20.8 million.

    Equipment spending is a consistent area of flexibilty for the Mayor. In fact, when he chose to not ask for the 5% Income Tax Surcharge and therefore had to reduce his budget proposals, he went to the equipment line and reduced it $1.7 million. If these agencies were to spend at their Fiscal Year 1988 level then $6.1 million could be saved in Fiscal Year 1990. The reduction is to those agencies under the control of the Mayor except for police, fire and corrections.

11. Salary Lapse -$7,350

The Committee recommends an unallocated reduction to Personnel Services. The agencies under the control of the Mayor and excluding police, fire and corrections have budgeted for continuing full time pay (object class 11) $390 million in Fiscal Year 1990.

If a strict hiring freeze were imposed it would cause salary lapse. Currently there is a budgeted salary lapse of $2.4 million. Each lapse percentile would yield savings of of $3.9 million in Fiscal Year 1990. A 2.5% lapse in Fiscal Year 1990 would save $9,750 and after factoring in the $2.4 million of lapse already budgeted: a net savings in Fiscal Year 1990 of $7,350. The reduction is to those agencies under the control of the Mayor except for police, fire and corrections.

12. Recreation Department: +0

The $1,000 increase to the Recreation Department financed through a redirection from the Committee of the Whole shall be redistributed so that the STARS program is funded at a level of $217 (rather than $317) and the difference of $100 is to be used to fund the Urban Gardens Program for the specific purpose of working with youth at risk within responsibility center 2300.

13. Office of the Mayor: +236

$236 of the Committee on Government Operations reduction to the Office of the Mayor is restored.

14. Employment Services: +442

$442 of the Committee on Housing & Economic Development to the Department of Employment Services is restored.

The net effect of the final changes is to increase the budget by $40,146 above the budget voted by the Committees of the Council. The final budget would be $3,070,561 which is $53,113 greater then the Mayor's request of $3,017,488.

On the Table which follows the final changes are displayed. The final changes affect the general fund only and thus only the general fund is displayed.

APPROPRIATIONS TITLE SUMMARY:

GENERAL FUND APPROPRIATED BUDGET ONLY

MAYOR'S FISCAL YEAR 1990 BUDGET

STANDING COMMITTEES FISCAL YEAR 1990 BUDGET

COUNCIL FISCAL YEAR 1990 BUDGET

AGENCY / LINE ITEM	(A) MAYOR'S FY90	(B) COMM CHANGES	(C) COMM FY90	(D) FINAL CHANGES	(E) COUNCIL FY90	(F=E-A) CHANGE: COUNCIL FROM MAYOR
GOVERNMENT DIRECTION & SUPPORT						
COUNCIL OF THE DISTRICT OF COLUMBIA(AB)	8,213	0	8,213	0	8,213	0
DISTRICT OF COLUMBIA AUDITOR (AC)	805	0	805	0	805	0
ADVISORY NEIGHBORHOOD COMMISIONS (DX)	1,172	0	1,172	0	1,172	0
OFFICE OF THE MAYOR (AA)	1,877	-398	1,479	236	1,715	-162
OFFICE OF THE SECRETARY (BA)	2,124	0	2,124	0	2,124	0
OFFICE OF THE INSPECTOR GENERAL (AD)	1,572	-100	1,472	0	1,472	-100
OFFICE OF COMMUNICATIONS (BB)	612	-104	508	0	508	-104
INTERGOVERNMENTAL RELATIONS(BP)	2,482	-264	2,218	0	2,218	-264
OFFICE OF THE CITY ADMINISTRATOR (AE)	1,438	0	1,438	0	1,438	0
OFFICE OF PERSONNEL (BE)	16,081	-500	15,581	0	15,581	-500
ADMINISTRATIVE SERVICES(AS)	29,225	-594	28,631	0	28,631	-594
CONTRACT APPEALS BOARD (AF)	476	-31	445	0	445	-31
DEPUTY MAYOR FOR FINANCE (AT)	184	0	184	0	184	0
OFFICE OF BUDGET (BC)	1,980	0	1,980	0	1,980	0
OFFICE OF FINANCIAL MANAGEMENT (BF)	16,903	0	16,903	0	16,903	0
DEPARTMENT OF FINANCE AND REVENUE (CA)	22,954	0	22,954	0	22,954	0
BOARD OF ELECTIONS AND ETHICS (DL)	2,484	10	2,494	0	2,494	10
OFFICE OF CAMPAIGN FINANCE (CJ)	1,123	0	1,123	0	1,123	0
PUBLIC EMPLOYEES RELATIONS BOARD (CG)	302	0	302	0	302	0
OFFICE OF EMPLOYEES APPEALS (CH)	1,358	0	1,358	0	1,358	0
DC RETIREMENT BOARD (DY)	818	0	818	0	818	0
METRO WASHINGTON COUNCIL OF GOVTS (EA)	383	0	383	0	383	0
STATEHOOD (CI)	150	0	150	0	150	0
BASEBALL COMMISSION (WS)	0	0	0	0	0	0
TOTAL,GOVERNMENT DIRECTION & SUPPORT	$114,716	$-1,981	$112,735	$236	$112,971	$-1,745
ECONOMIC DEVELOPMENT& REGULATION						
DEPUTY MAYOR ECONOMIC DEVELOPMENT (ED)	1,672	0	1,672	0	1,672	0
OFFICE OF PLANNING (BD)	3,678	0	3,678	0	3,678	0
HOUSING & COMMUNITY DEVELOPMENT(DB)	14,833	0	14,833	0	14,833	0
PUBLIC & ASSISTED HOUSING (PH)	8,340	17,000	25,340	4,000	29,340	21,000
HOUSING ASSISTANCE FUND (PA)	32,900	-32,900	0	0	0	-32,900
DEPARTMENT OF EMPLOYMENT SERVICES (CF)	40,066	-442	39,624	442	40,066	0
BUSINESS & ECON DEVELOPMENT(EN)	5,463	0	5,463	0	5,463	0
INTERNATIONAL BUSINESS (IB)	497	0	497	0	497	0
HOUSING FINANCE AGENCY (DZ)	2,167	0	2,167	0	2,167	0
BOARD OF APPEALS & REVIEW (DK)	190	-54	136	0	136	-54
BOARD OF EQUALIZATION & REVIEW (DA)	164	0	164	0	164	0
CONSUMER & REGULATORY AFFAIRS (CR)	34,090	-1,006	33,084	0	33,084	-1,006
PUBLIC SERVICE COMMISSION (DH)	4,791	0	4,791	0	4,791	0
OFFICE OF PEOPLES COUNSEL (DJ)	2,022	0	2,022	0	2,022	0
TOTAL,ECONOMIC DEVELOPMENT& REGULATION	$150,873	$-17,402	$133,471	$4,442	$137,913	$-12,960

AGENCY / LINE ITEM	(A) MAYOR'S FY90	(B) COMM CHANGES	(C) COMM FY90	(D) FINAL CHANGES	(E) COUNCIL FY90	(F=E-A) CHANGE: COUNCIL FROM MAYOR
PUBLIC SAFETY & JUSTICE						
METROPOLITAN POLICE DEPARTMENT (FA)	217,800	10,885	228,685	3,700	232,385	14,585
FIRE DEPARTMENT (FB)	101,142	-1,524	99,618	0	99,618	-1,524
POLICE AND FIRE RETIREMENT SYSTEM (FD)	132,100	0	132,100	0	132,100	0
JUDGES RETIREMENT SYSTEM (FG)	3,200	0	3,200	0	3,200	0
COURT OF APPEALS (FM)	4,707	0	4,707	0	4,707	0
SUPERIOR COURT (FC)	55,939	2,000	57,939	4,400	62,339	6,400
DC COURT SYSTEM (FN)	20,178	0	20,178	0	20,178	0
OFFICE OF THE CORPORATION COUNSEL (CB)	13,764	-380	13,384	0	13,384	-380
SETTLEMENT OF CLAIMS AND SUITS (ZC)	17,700	-2,000	15,700	0	15,700	-2,000
PUBLIC DEFENDER SERVICE (FE)	5,730	1,278	7,008	0	7,008	1,278
PRETRIAL SERVICES AGENCY (FF)	3,124	0	3,124	0	3,124	0
DEPARTMENT OF CORRECTIONS (FL)	227,470	-5,005	222,465	5,000	227,465	-5
BOARD OF PAROLE (DD)	5,524	0	5,524	0	5,524	0
NATIONAL GUARD (FK)	1,286	99	1,385	0	1,385	99
OFFICE OF EMERGENCY PREPAREDNESS (BN)	2,756	0	2,756	0	2,756	0
COMM ON JUDICIAL DISABILITIES (DQ)	126	0	126	0	126	0
JUDICIAL NOMMINATION COMMISSION (DV)	37	0	37	0	37	0
LAW REVISION COMMISSION (DW)	218	0	218	0	218	0
CIVILIAN COMPLAINT REVIEW BOARD (FH)	1,086	-299	787	0	787	-299
OFFICE OF CRIMINAL JUSTICE PLANS (BQ)	1,139	0	1,139	0	1,139	0
TOTAL, PUBLIC SAFETY & JUSTICE	$815,026	$5,054	$820,080	$13,100	$833,180	$18,154
PUBLIC EDUCATION SYSTEM						
PUBLIC SCHOOLS (GA)	480,579	3,758	484,337	16,242	500,579	20,000
TEACHERS RETIREMENT FUND (GX)	86,300	0	86,300	0	86,300	0
UNIV OF DISTRICT OF COLUMBIA (GF)	76,088	1,000	77,088	-1,000	76,088	0
EDUCATIONAL INSTITUTION LIC COMM (GH)	570	0	570	0	570	0
PUBLIC LIBRARY (CE)	18,744	105	18,849	0	18,849	105
COMM ON THE ARTS & HUMANITIES (BX)	3,527	0	3,527	0	3,527	0
PUBLIC SCHOOL OF LAW (LS)	3,134	306	3,440	0	3,440	306
TOTAL, PUBLIC EDUCATION SYSTEM	$668,942	$5,169	$674,111	$15,242	$689,353	$20,411
HUMAN SUPPORT SERVICES						
DEPARTMENT OF HUMAN SERVICES (JA)	658,364	32,657	691,021	3,250	694,271	35,907
DEPARTMENT OF RECREATION (HA)	32,706	1,000	33,706	0	33,706	1,000
RECREATION PAY-AS-YOU-GO CAPITAL(HK)	547	0	547	0	547	0
OFFICE ON AGING (BY)	13,728	0	13,728	0	13,728	0
DC GENERAL HOSPITAL SUBSIDY (JC)	46,293	0	46,293	0	46,293	0
UNEMPLOYMENT COMPENSATION (BH)	4,393	0	4,393	0	4,393	0
DISABILITY COMPENSATION (BG)	18,611	0	18,611	0	18,611	0
HUMAN RIGHTS & MBOC (HM)	2,830	0	2,830	0	2,830	0
OFFICE OF LATINO AFFAIRS (BZ)	1,994	0	1,994	0	1,994	0
COMMISSION ON WOMEN (DP)	415	0	415	0	415	0
DC ENERGY OFFICE (JF)	3,636	0	3,636	0	3,636	0
TOTAL, HUMAN SUPPORT SERVICES	$783,517	$33,657	$817,174	$3,250	$820,424	$36,907

AGENCY / LINE ITEM	(A) MAYOR'S FY90	(B) COMM CHANGES	(C) COMM FY90	(D) FINAL CHANGES	(E) COUNCIL FY90	(F=E-A) CHANGE: COUNCIL FROM MAYOR
PUBLIC WORKS						
DEPARTMENT OF PUBLIC WORKS (PW)	100,838	474	101,312	0	101,312	474
PW PAY-AS-YOU-GO CAPITAL (KB)	2,168	912	3,080	0	3,080	912
TAXICAB COMMISSION (TC)	1,968	-148	1,820	0	1,820	-148
WASH METRO AREA TRANSIT COMMISSION(KC)	86	0	86	0	86	0
WASH METRO AREA TRANSIT AUTHORITY (KE)	114,000	0	114,000	0	114,000	0
SCHOOL TRANSIT SUBSIDY (KD)	3,600	0	3,600	0	3,600	0
TOTAL, PUBLIC WORKS	$222,660	$1,238	$223,898	$0	$223,898	$1,238
FINANCING & OTHER USES						
WASHINGTON CONVENTION CENTER (ER)	7,874	0	7,874	0	7,874	0
REPAYMENT OF LOANS AND INTEREST (DS)	251,474	-2,768	248,706	2,768	251,474	0
REPAYMENT OF GENERAL FUND DEFICIT (ZA)	10,000	-5,000	5,000	14,558	19,558	9,558
FURLOUGH SAVINGS (ZB)	0	0	0	0	0	0
TERMS TEMPS SAVINGS (ZD)	-6,400	0	-6,400	0	-6,400	0
SALARY LAPSE (XC)	-2,400	0	-2,400	-7,350	-9,750	-7,350
EARLY OUT SAVINGS (XB)	-10,400	-5,000	-15,400	0	-15,400	-5,000
OPTICAL & DENTAL (PS)	2,569	0	2,569	0	2,569	0
INTEREST ON SHORT TERM BORROWING(ZF)	10,997	0	10,997	0	10,[illegible]	0
ENERGY/EQUIPMENT ADJUSTMENT (ZZ)	-2,000	0	-2,000	-6,100	-8,100	-6,100
INAUGURAL EXPENSES (SB)	0	0	0	0	0	0
TOTAL, FINANCING & OTHER USES	$261,714	$-12,768	$248,946	$3,871	$252,822	$-8,892
TOTAL, GENERAL FUND	$3,017,448	$12,967	$3,030,415	$40,146	$3,070,561	$53,113
				COST OF PROPERTY TAX RELIEF		$25,200
				TOTAL NEW REVENUES NEEDED		$78,313

Revenues

Two final changes are made to the Mayor's Fiscal Year 1990 revenue estimate.

First, to provide tax relief to Class I property tax payers (homeowners) the property tax revenue estimate will have to be reduced by $25,200 to reflect the intention of the Council to vote the calculated rate for Class I for the portion of Tax Year 1990 which overlaps with Fiscal Year 1990. This action would reduce the property tax revenue estimate from $708,200 to $683,000. Rates on Class I property would fall from $1.22 per one hundred dollar of assesed value to approximately $1.06.

The second revision to the revenue estimate is to identify tax increases needed to balance the Fiscal Year 1990 Budget.

Sec. 603(c) of the District of Columbia Self-Governmental and Reorganization Act of 1973, requires that the "budget shall identify any tax increases which shall be required in order to balance the budget as submitted". The Budget provides for an increase in spending of $53,113 over the Mayor's Request and for a reduction of $25,200 in revenues estimated by the Mayor. Therefore, the budget must identify $78,313 in tax increases to be balanced.

On March 15, 1989, the Chairperson of the Committee on Finance & Revenue circulated to the Council a "Finance & Budget Plan" which identified $112.1 million in tax increases. On March 16, 1989, the Chairperson of the Committee on Finance & Revenue circulated to the Council a revised plan which identified $104.5 million in tax increases. The portions of the March 15 and 16 circulations recommending tax increases are attached as Attachments A and B respectively. The Chairperson of the Committee on Finance & Revenue has committed to support and move through his Committee and the Council sufficient tax increases to fund the Fiscal Year 1989 and 1990 Budgets.

Accordingly, for purposes of meeting the requirements of Sec. 603(c) of the District of Columbia Self-Governmental and Reorganization Act of 1973, the Committee of the Whole identifies the taxes set forth in the March 15 and 16 transmission of the Chairperson of the Committee on Finance & Revenue.

COMMITTEE ACTION

The Budget Request Act, Bill 8-150 and this report were were considered by the Committee of the Whole on Tuesday March 21, 1989.

Chairman Clarke moved approval of the Fiscal Year 1990 budget marks recommended by the committees of the Council. The motion was approved by voice vote (Clarke, Crawford, Jarvis, Kane, Lightfoot, Mason, Nathanson, Ray, Rolark, Smith, Thomas and Winter present; Wilson absent).

Chairman Clarke moved approval of a draft amendment in the nature of a substitute to Bill 8-150, Fiscal Year 1990 Budget Request Act.

Councilmember Crawford moved approval of an amendment to restore $398 to the Office of the Mayor that had been cut by the Committee on Government Operations from the Office of the General Assistant, to be balanced by revenue resulting from a reduction of an identical amount from the Repayment of the General Fund Deficit line. Councilmember Crawford, pursuant to a request by Councilmember Winter, changed his motion to substitute the figure $236 for the figure $398. Councilmember Crawford further changed his motion to substitute the revenue from a reduction in the deficit repayment line with revenue from sources beyond $78,077 identified in the revenue plans of Councilmember Wilson, dated March 15, 1989, and March 16, 1989 ("Wilson revenue plans").

Councilmember Thomas moved the prior question, which was approved by voice vote (Clarke, Crawford, Jarvis, Kane, Lightfoot, Mason, Nathanson, Ray, Rolark, Thomas, Wilson and Winter present; Smith absent). Councilmember Crawford's revised amendment to restore $236 to the Office of the General Assistant in the Office of the Mayor from new revenue sources identified in the Wilson revenue plans was approved by a vote of 9 in favor (Crawford, Lightfoot, Mason, Ray, Rolark, Smith, Thomas, Wilson and Winter), and 4 opposed (Clarke, Kane, Jarvis and Nathanson).

Chairman Clarke moved an amendment to reduce the new revenues required to balance the budget in the amendment in the nature of a substitute, from $78,077 to $55,909: by reducing the amount of increase for the Superior Court (from $4,400 in the amendment in the nature of a substitute to the $2,000 increase previously recommended by the Committee on the Judiciary); by restoring the cut of $5,005 to the Department of Corrections previously recommended by the Committee on the Judiciary (as opposed to the $5 cut in the amendment in the nature of a substitute); by restoring the Committee of the Whole's previously recommended cut of $2,768 in the Repayment of Loans and Interest line to be accomplished by a 10% reduction in projected borrowings; and by reducing the Repayment of General Fund Deficit line from $20,000 (in the amendment in the nature of a substitute) to $10,000 (which would restore the Mayor's original request and still be $5,000 more than previously recommended by the Committee of the Whole). Councilmember Thomas moved the previous question, which was approved by voice vote (All members present). Chairman Clarke's amendment was defeated by voice vote (All members present; Clarke and Kane recorded in favor).

Councilmember Jarvis moved an amendment to restore $442 to the Department of Employment Services ($200 for an Entrepreneurial Training Program to be administered by the Private Industry Council, and $242 to fund an Apprenticeship Program to be coordinated with the Department of Public and Assisted Housing to train individuals to make minor repairs in public housing), to be balanced by revenue resulting from a reduction of $442 in the Repayment of General Fund Deficit line. Councilmember Jarvis' amendment was approved by voice vote (All members present).

Chairman Clarke accepted a technical change to the main motion, suggested by Councilmember Kane, to correct the dollar figure associated with the Cable Television Enterpirse Fund.

Councilmember Kane moved an amendment to reduce the Law Revision Commission by its entire amount of $218, and to make a corresponding reduction in new revenues needed to balance the budget. Councilmember Kane's amendment was defeated by voice vote (Clarke, Crawford, Kane, Lightfoot, Ray, Rolark, Smith and Wilson present; Jarvis, Mason, Nathanson, Thomas and Winter absent).

Councilmember Kane moved an amendment to reduce the Civilian Complaint Review Board by $270, and to make a corresponding reduction in in new revenues needed to balance the budget. Councilmember Kane's amendment was defeated by voice vote (Clarke, Crawford, Kane, Lightfoot, Ray, Rolark, Smith and Wilson present; Jarvis, Mason, Nathanson, Thomas and Winter absent).

Councilmember Kane moved an amendment to reduce the Office of Criminal Justice Plans by $200, and to make a corresponding reduction in new revenues needed to balance the budget. Councilmember Kane's amendment was defeated by voice vote (Clarke, Crawford, Kane, Lightfoot, Ray, Rolark, Smith and Wilson present; Jarvis, Mason, Nathanson, Thomas and Winter absent).

Councilmember Kane moved an amendment to raise tuition for non-resident students of the University of the District of Columbia by such amount to reduce the university's subsidy by an additional $1,000. Councilmember Kane's amendment was defeated by voice vote (All members present).

Councilmember Kane moved an amendment to eliminate the $3,440 funding for the Public School of Law, and to make a corresponding reduction in the new revenues needed to balance the budget. Councilmember Kane's amendment was defeated by a vote of 1 in favor (Kane), and 12 opposed (Clarke, Crawford, Jarvis, Lightfoot, Mason, Nathanson, Ray, Rolark, Smith, Thomas, Wilson and WInter).

Councilmember Kane moved an amendment to add language to require competitive (rather than private) marketing of general obligation bonds. Councilmember Kane's amendment was defeated by voice vote (All members present; Ray recorded as abstaining to avoid possibility of appearance of a conflict of interest).

Councilmember Kane moved an amendment to reduce the cap on the total number of funded permanent District government positions by 309, from 38,749 employees to 38,440 employees. The amendment was approved by voice vote (All members present).

Councilmember Mason moved an amendment to increase the appropriated budget of the University of the District of Columbia by $500 for student financial assistance, to be balanced by new revenue sources beyond the $78,300 already needed from the Wilson revenue plans. Councilmember Mason's amendment was defeated by a vote of 5 in favor (Jarvis, Mason, Rolark, Thomas and Winter), and 8 opposed (Clarke, Crawford, Kane, Lightfoot, Nathanson, Ray, Smith, and Wilson).

Councilmember Crawford moved an amendment to add language to the Human Support Services section of the act to require at least 15 days notice to the Council prior to any reductions or reprogramming of funds for DHS programs for which the Council has approved specific budget increases. Councilmember Crawford changed his motion, pursuant to a request by Councilmember Rolark, to substitute "30" days notice in place of "15" days notice. Councilmember Crawford's amendment was defeated by a vote of 4 in favor (Craford, Kane, Lightfoot and Rolark), 7 opposed (Clarke, Nathanson, Ray, Smith, Thomas, Wilson and Winter), 1 present (Jarvis), and 1 absent (Mason). Councilmember Wilson moved to reconsider Councilmember Crawford's amendment. Councilmember Wilson reconsideration motion was approved by voice vote (All members present). Councilmember Crawford changed his motion, pursuant to a request by Chairman Clarke, to apply the 30 day notice requirement to reductions or reprogrammings of any funds (not just DHS funds) for which the Council has approved specific budget increases. Councilmember Crawford's revised motion was approved by voice vote (All members present).

Councilmember Winter moved an amendment to increase the total capital budget authorization by $500 for a demonstration streetscape improvement project for 17th Street, N.W. between Corcoran and R Streets, N.W. Councilmember Winter's motion was approved by voice vote (All members present).

Councilmember Kane moved an amendment to the Federal Payment section of the act to permit the $50,000 previously appropriated under the "Criminal Justice Initiative" for a prison to be used either for a prison or for a detention center in the Judiciary Square area. Councilmember Kane's amendment was defeated by a vote of 3 in favor (Kane, Nathanson and Winter) and 10 opposed (Clarke, Crawford, Jarvis, Lightfoot, Mason, Ray, Rolark, Smith, Thomas and Wilson).

Chairman Clarke accepted a technical change to the main motion, pursuant to a request by Councilmember Jarvis, to reference the year "1990" instead of "1989" on line 43 of page 4 of the draft bill.

The motion to approve the revised amendment in the nature of a substitute to Bill 8-150, the Fiscal Year 1990 Budget Request Act, was approved by voice vote (All members present; Kane recorded as opposed).

Chairman Clarke moved approval of the draft Committee Report on Bill 8-150, the Fiscal Year 1990 Budget Request Act.

Councilmember Jarvis moved an amendment to the Committee Report to strike the word "fully" from the reference to the funding of the Tenant Assistance Program. The motion was approved by voice vote (All members present).

Chairman Clarke moved an amendment to the Committee Report to require quarterly reports to the Council by the Department of Human Services on the status of the District's AIDS program. Chairman Clarke's amendment was defeated by a vote of 2 in favor (Clarke and Kane), 6 opposed (Crawford, Lightfoot, Ray, Rolark, Thomas and Wilson), and 5 abstentions (Jarvis, Mason, Nathanson, Smith and Winter).

The draft Committee Report on Bill 8-150 was approved by voice vote (All members present; Clarke recorded as opposed).

IMPACT ON EXISTING LAW AND SECTION-BY-SECTION ANALYSIS

Council enactment of Bill 8-150 fulfills an obligation under the Home Rule Act This Act requires the Mayor to prepare and the Council to enact an annual budget request for the District government, and further provides that the District's fiscal year shall begin on October 1 and end on September 30.

Bill 8-150 also appropriates the federal payment to the District.

The Home Rule Act requires the Mayor to include the following items in his proposed budget: (1) a proposed budget specifying the agencies and purposes for which funds are requested; (2) a budget message with supporting financial and statistical data; (3) a multiyear plan for each agency describing future cost implications; (4) a multiyear capital improvements plan for each agency describing proposed capital projects; (5) a program performance report comparing past accomplishments with proposed goals; (6) an issue analysis statement addressing issues previously identified by the Council; and (7) a summary designed for public distribution. The Home Rule Act also requires the Mayor to submit his proposed budget at a time designated by the Council.

The procedures for Council review of the Mayor's proposed budget differ significantly from the procedures for other legislative acts of the Council. The Council is required to hold public hearings and complete its review within 50 calendar days of the Mayor's submission. The budget act may be approved at a single reading instead of the usual two readings, Council rule 705. The Mayor's veto authority is not limited to the entire budget act; he has the power to disapprove any item or provision of the budget act and approve the remainder. See, D.C. Code. sec. 1-227(f). Finally, Congress must affirmatively enact the budget act rather than fail to disapprove it.

If Congressionally approval of Bill 8-150 in its present form, would amend the Home Rule Act to extend the eligibility date for municipal bonds to be either privately sold after negotiations or public auctioned.

Bill 8-150 includes numerous policy restrictions and directives. Because Bill 8-150 generally remains in effect for the duration of Fiscal Year 1990 only, these policy restrictions and directives generally have a one-year lifetime. In most cases, Bill 8-150 continues policy restrictions and directives in effect during fiscal year 1989.

Section 1 provides a short title, the Fiscal Year 1990 Budget Request Act.

Section 2 provides for Council approval of the expenditure levels and appropriation language for the District of Columbia government in fiscal year 1990.

The bill appropriates the following amounts for the District of Columbia for fiscal year 1990 out of the general fund of the District of Columbia, except as otherwise specifically provided:

Governmental Direction and Support

This title provides $112,971 for government direction and support.

Economic Development and Regulation

This title provides $137,913 for economic development and regulation.

Public Safety and Justice

This title provides $833,180 for public safety and justice.

Public Education System

This title provides for $689,353 for the public education system.

Human Support Services

The bill provides $820,424 for human support services.

Public Works

This title provides for $223,898 for Public Works.

Financing and Other Uses

This title provides $252,822 for Financing and Other Uses.

Water and Sewer Enterprise Fund

The bill provides $199,382 for the Water and Sewer Enterprise Fund.

Lottery and Charitable Games Enterprise Fund

This title provides $8,600 for funding the Lottery and Charitable Games Enterprise Fund.

Cable Television Enterprise Fund

This title provides $1,600 for the Cable Television Enterprise Fund.

GENERAL PROVISIONS

Sections 101 through 135 contain general provisions of the bill.

Section 3 provides for the budget to become effective after both Council and federal approval of the measure.

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D. C. 20004

I. TRANSMITTAL OF ENROLLED LEGISLATION

Short Title: Fiscal Year 1990 Budget Request Act

Bill #8-150

Act #

Date Transmitted to LSD:

Received by LSD:

cc: Chairman Clarke (with attachment)
cc: Codification Counsel (with attachment)

Please notify me of any error/comment within 24 hours.

II. CLEARANCE OF ENROLLED LEGISLATION

Wanda R. Tucker — Legislative Counsel
27 Mar 89 — Date

Codification Counsel — Date

Office of the Secretary — Date

III. CLEARANCE OF CORRESPONDENCE BY LSU

Letter(s) to the Mayor — Date

Letter(s) to Congress — Date

Rev. 6/15/88

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the requests of the District of Columbia government for the fiscal year ending September 30, 1990.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 1990 Budget Request Act".

Sec. 2. The Council of the District of Columbia approves the following expenditure levels and appropriation language for the District of Columbia government for the fiscal year ending September 30, 1990:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1990, $425,000,000, as authorized by section 502 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (Public Law 93-198; D.C. Code, sec. 47-3406).

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000.

For a Federal contribution to the District of Columbia, as authorized by the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (98 Stat. 3369; Public Law 98-621; D.C. Code, sec. 32-621 et seq.), $15,000,000.

The $50,000,000 previously appropriated under "Criminal Justice Initiative" for the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, for the design and construction of a prison within the District of Columbia shall remain in the United States Treasury.and shall be transferred to the District of Columbia government only to the extent that outstanding obligations are due and payable to entities other than agencies and organizations of the District of Columbia government, and payments to the agencies and organizations may be made only in reimbursement for amounts actually expended in furtherance of the design and construction of the prison.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $112,971,000: Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That notwithstanding any other provision of law, there is hereby appropriated $6,726,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board, of which $818,000 shall be derived from the general fund and not to exceed $5,908,000 shall be derived from the earnings of the applicable retirement funds: Provided further, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of these funds in time for each annual audited financial report: Provided further, That of the $150,000 appropriated for fiscal year 1990 for Admission to Statehood, $75,000 shall be for the Statehood Commission and $50,000 shall be for the Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and the Statehood Compact Commission.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $137,913,000: Provided, That the District of Columbia Housing Finance Agency established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of 4 percent per annum for a term of 15 years, with a deferral of payments for the first 3 years: Provided further, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: Provided further, That upon commencement of the debt service payments, these payments shall be deposited into the general fund of the District of Columbia: Provided further, That up to $275,000 within the 15 percent set-aside for special programs within the Tenant Assistance Program shall be targeted for the single room occupancy initiative: Provided further, That of the funds appropriated under the heading for the fiscal year ending September 30, 1989, that funds allocated for the Economic Development Finance Corporation ("EDFC") and the Business Purchase Assistance Program be transferred to the EDFC at the beginning of the fiscal year for 1990 or at a time when Congress finally approves the proposed fiscal year budget, whichever is later.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 130 passenger-carrying vehicles for replacement only (including 130 for police-type use and 29 additional passenger-carrying vehicles for fire-type use without regard to the general purchase price limitation for the current fiscal year, $833,180,000: Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles, and the Fire Department of the District of Columbia is authorized to replace not to exceed 5 passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), ("Criminal Justice Act") for the fiscal year ending September 30, 1990, shall be available for obligations incurred under the Criminal Justice Act in each fiscal year since inception in the fiscal year ending September 30, 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304) ("Equity Act"), for the fiscal year ending September 30, 1990, shall be available for obligations incurred under the Equity Act in each fiscal year since inception in the fiscal year ending September 30, 1985: Provided further, That $50,000 of any appropriation available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: Provided further, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: Provided further, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all distrubances at the prison, including escapes, fires, riots, and similar incidents: Provided further, That the District of Columbia government shall also take steps to publicize the availability of that service among the residents of the area surrounding the Lorton prison: Provided further, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during fiscal year 1990 in relation to the Lorton prison complex. These reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: Provided further, That none of the funds appropriated by this Act may be used to implement any plan that includes the closing of Engine

Company 3, located at 439 New Jersey Avenue, Northwest: Provided further, That the staffing levels of 2-piece engine companys within the Fire Department shall be maintained in accordance with the provisions of article III, section 18 of the Fire Department Rules and Regulations as then in effect, until final adjudication by the relevant courts: Provided further, That none of the funds provided in this Act may be sued to implement District of Columbia Board of Parole notice of emergency and proposed rulemaking as filed with the District of Columbia Register July 25, 1986: Provided further, That the Mayor shall reimburse the District of Columbia National Guard ("National Guard") for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and that are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the National Guard: Provided further, That such sums as may be necessary for reimbursement to the National Guard under the preceding proviso shall be available from this appropriation, and their availability shall be deemed as constituting payment in advance for the emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $689,353,000, to be allocated as follows: $500,579,000 for the public schools of the District of Columbia; $86,300,000 for the District of Columbia Teachers' Retirement Fund; $76,088,000 for the University of the District of Columbia; $18,849,000 for the Public Library; $3,527,000 for the Commission on the Arts and Humanities; $3,440,000 for the District of Columbia School of Law; and $570,000 for the Educational Licensure Commission: Provided, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1990, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the Metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $820,424,000: Provided, That $18,611,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation. Provided further, That of the funds provided for the D.C. General Hospital subsidy, $646,000 shall be used to provide health care to homeless persons. Provided further, That of the funds provided for the Office of Emergency Shelter and Support Services, $750,000 shall be used to provide food for the homeless and may not be used for any other purpose. If the United States Congress approves a $5,500,000 increase in the Federal

Payment for the District of Columbia, all of that amount shall be directed to the Commission on Mental Health Services of the Department of Human Services for community-based services.

PUBLIC WORKS

Public works, including the rental of 1 passenger-carrying vehicles for use by the Mayor and 3 passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $223,898,000, of which, not to exceed $3,600,000, shall be available for the School Transit Subsidy: Provided, That this appropriation shall not be available for collecting ~~ashes~~ or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $7,874,000: Provided, That the Convention Center Board of Directors, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code, sec. 9-602), shall reimburse the Auditor of the District of Columbia for all reasonable costs for performance of the annual Convention Center audit.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act To provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-541; D.C. Code, sec. 9-219); section 4 of An Act To authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); section 723 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note); and section 743(f) of the District of Columbia Self-Government and Governmental Reorganziation Act, approved October 13, 1977 (91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, $251,474,000.

REPAYMENT OF GENERAL FUND DEFICIT

For the purpose of reducing the $218,872,000 general fund accumulated deficit as of September 30, 1988, $19,955,800 and in addition all net revenue that the District of Columbia government may collect as a result of the District of Columbia government's pending appeal in the consolidated case of U.S. Sprint Communications, et al. v. District of Columbia et al., CA 10080-87 (court order filed November 14, 1988), shall be applied solely to the repayment of the general fund accumulated deficit.

SHORT-TERM BORROWINGS

For the purpose of funding interest related to borrowing funds for short-term cash needs, $10,997,000.

OPTICAL AND DENTAL

For optical and dental costs for nonunion employees, $2,569,000.

ENERGY ADJUSTMENT

The Mayor shall reduce authorized energy appropriations and expenditure within object class 30a (energy) in the amount of $2,000,000, within one or several of the various appropriation headings in this Act.

EQUIPMENT ADJUSTMENT

The Mayor shall reduce authorized equipment appropriations and expenditures within object class 70 (equipment) in the amount of $6,100,000, within one or several of the various appropriation headings in this Act.

PERSONAL SERVICES ADJUSTMENT

The Mayor shall reduce appropriations and expenditures for personal services within object classes 11, 12, 13, and 14, in the amount of $31,550,000 within one or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

For construction projects, $114,350,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 to 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act To authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, secs. 9-219 and 47-3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85-692; D.C. Code, sec. 40-805(7); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91-143; D.C. Code, secs. 1-2451, 1-2452, 1-2454, 1-2456, and 1-2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That $10,556,000 shall be available for project management and $26,319,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: Provided further, That the funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That $547,000 for the Department of Recreation and $3,080,000 for the Department of Public Works for pay-as-you-go capital projects shall be financed from general fund operating revenues: Provided further, That all these funds shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the forgoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1991, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1991: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $199,382,000, of which $34,964,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $29,700,000, as authorized by An Act Authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat.; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvement projects and that are set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title. Provided further, That $27,085,000 for pay-as-you-go capital projects shall be financed from water and sewer enterprise fund operating revenues.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund established by the District of Columbia Appropriation Act for fiscal year 1982, approved December 4, 1981 as amended (95 Stat. 1174, 1175; Public Law 97-91, as amended), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $8,600,000, to be derived from non-Federal District of Columbia revenues: Provided, That the District of Columbia shall identify the sources of funding for this appropriation title from its own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterpise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $1,600,000.

GENERAL PROVISIONS

Sec. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where the expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

Sec. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or objects of expenditure, the amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Sec. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the

Mayor: Provided, That the rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

Sec. 105. Appropriations in the Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

Sec. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgements that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

Sec. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Deliquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

Sec. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided by law.

Sec. 109. Not to exceed 4 1/2 per centum of the total of all funds appropriated by this Act for personnel compensation may be used to pay the cost of overtime or temporary positions.

Sec. 110. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1990, for the compensation of any person appointed to a permanent position in the District of Columbia government during any month in which the number of employees exceeds 38,440, the number of positions authorized by this Act.

Sec. 111. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availabilty of school buildings for the use of any community or partisan political group during non-school hours.

Sec. 112. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1991, shall be transmitted to the Congress no later than April 15, 1990.

Sec. 113. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia govenment whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on Governmental Efficiency, Federalism, and the District of Columbia of the Senate

Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

Sec. 114. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

Sec. 115. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

Sec. 116. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when the rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

Sec. 117. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and to the Congress the actual borrowing and spending progress compared with projections.

Sec. 118. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with the borrowings.

Sec. 119. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

Sec. 120. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

Sec. 121. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servant to any officer or employee of the District of Columbia.

Sec. 122. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

Sec. 123. (a) Nothwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87

Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) for any position for any period during the last quarter of calendar year 1989 shall be deemed to be the rate of pay payable for that position for September 30, 1989.

(c) Nothwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, a per diem compensation at a rate established by the Mayor.

Sec. 124. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Regorganization Act of 1973, approved December 24, 1978 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

Sec. 125. The Director of the Department of Administrative Services ("Director") may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director that, by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

Sec. 126. No later than 30 days after the end of the first quarter of fiscal year 1990, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1990 revenue estimates as of the end of the first quarter of fiscal year 1990. These estimates shall be used in the fiscal year 1991 annual budget request. The officially revised estimates at midyear shall be used for the midyear report.

Sec. 127. Section 466(b) of the Disrict of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), is amended by striking out "sold before October 1, 1989" and inserting in lieu thereof "sold before October 1, 1990".

Sec. 128. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

Sec. 129. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, effective December 12, 1985 (99 Stat. 1037; Public Law 99-177) the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, effective December 12, 1985 (99 Stat. 1037; Public Law 99-177).

Sec. 130. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act which are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, effective December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

Sec. 131. None of the funds available to the District of Columbia government shall be used for any purpose involved in billing individual agencies or establishments for water and water services and sanitary sewer services traditionally funded under the account "Federal Payment for Water and Sewer Services" unless and until sections 106 and 212 of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 364; D.C. Code, secs. 43-1552 and 43-1612), are amended to specifically provide for such billing.

Sec. 132. The tenth and eleventh provisos in the Lottery and Charitable Games Enterprise Fund title of An Act Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1982, and for other purposes, approved December 4, 1981 (Public Law 97-91; 95 Stat. 1175), are repealed.

Sec. 133. (a) No funds appropriated by this act may be expended for the compensation of any person appointed to fill any vacant position in any agency under the personnel control of the Mayor unless:

(1) The position is to be filled by a sworn officer of the Metropolitan Police Department; or

(2) The position is to be filled as follows:

(A) By a person who is currently employed by the District of Columbia government at a grade level that is equal to the grade level of the position to be filled; or

(B) By a person who is currently employed by the District of Columbia government at a grade level higher than the grade level of the position to be filled, and who

is willing to assume a lower grade level in order to fill the position.

(b) Subsection (a) of this section shall not apply to any position for which the City Administrator certifies that:

(1) The position is necessary to the fullfillment of an identified essential governmental function; and

(2) The position cannot be filled from within the District of Columbia government:

(A) At a grade level that is equal to the grade level of the position to be filled; or

(B) By a person who is currently employed by the District of Columbia government at a grade level higher than the grade level of the position to be filled and who is willing to assume a lower grade level in order to fill the position.

(c) The City Administrator shall submit the certification required by subsection (b) of this section to the Council on the 1st day of each month.

Sec. 134. No funds appropriated by this act shall, except those appropriated for the immediate Office of the Mayor of the District of Columbia and those appropriated for the Council of the District of Columbia, shall be used to print the name of any elected official of the District of Columbia government in greater than 30 point type.

REPROGRAMMNGS AND REDUCTIONS

No funds appropriated in this act for the operation of programs, projects, or activities of the government of the District of Columbia for which the Council of the District of Columbia has approved a specific budget increase shall be reprogrammed or reduced prior to 30 days written notice to the Council of the District of Columbia.

Sec. 3. This act shall take effect as provided in section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 801; Public Law 93-198; D.C. Code, sec. 47-304).

Chairman
Council of the District of Columbia

Mayor
District of Columbia

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D. C. 20004

I. TRANSMITTAL OF ENROLLED LEGISLATION

Short Title: Fiscal Year 1989 Supplemental Budget and Rescissions of Authority Request Act of 1989

Bill #8-162

Act #

Date Transmitted to LSD:

Received by LSD:

RECEIVED
'89 MAR 27 P5:45
LEGISLATIVE

cc: Chairman Clarke (with attachment)
cc: Codification Counsel (with attachment)

Please notify me of any error/comment within 24 hours.

II. CLEARANCE OF ENROLLED LEGISLATION

Wanda R. Tucker
Legislative Counsel

27 March 1989
Date

Codification Counsel

Date

Office of the Secretary

3-28-89
Date

III. CLEARANCE OF CORRESPONDENCE BY LSU

Letter(s) to the Mayor

Date

Letter(s) to Congress

Date

Rev. 6/15/88

MAR 29 1989

The Honorable Marion S. Barry, Jr.
Mayor of the District of Columbia
District Building, Room 520
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Re: Bill 8-162, "Fiscal Year 1989 Supplemental Budget and Rescissions of Authority Request Act of 1989", and Report.

Date of Council Action: 3-21-89

Dear Mayor Barry:

The above named act is hereby transmitted in accordance with Section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198.

Attached to that act is the report of the committee having jurisdiction over that matter.

Sincerely,

David A. Clarke
Chairman

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the request of the District of Columbia government for supplemental appropriations and rescissions of authority for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 1989 Supplemental Budget and Rescissions of Authority Request Act of 1989".

Sec. 2. The Council of the District of Columbia approves the following supplemental budget and rescissions of authority request for the District of Columbia government for the fiscal year ending September 30, 1989.

FISCAL YEAR 1989 SUPPLEMENTAL

District of Columbia Funds

GOVERNMENTAL DIRECTION AND SUPPORT

(Including Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 100 Stat. 2269.1 to 2269.2), $7,190,000 are rescinded.

ECONOMIC DEVELOPMENT AND REGULATION

(Including Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1988, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-2), $17,026,000 are rescinded.

PUBLIC SAFETY AND JUSTICE

(Including Rescission)

For an additional amount for "Public safety and justice", $28,150,000.

PUBLIC EDUCATION SYSTEM

(Including Rescission)

For an additional amount for "Public education system", of $4,529,000, $3,758,000 of which shall be allocated for public schools of the District of Columbia and $771,000 to the District of Columbia School of Law: Provided, That of the funds appropriated under this heading for the fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-4), $2,000,000 for the University of the District of Columbia, $6,000 for the Educational Institution Licensure Commission, $389,000 for the Public Library, and $185,000 for the Commission on the Arts and Humanities are rescinded for a net increase of $1,949,000.

HUMAN SUPPORT SERVICES
(Including Rescission)

For an additional amount for "Human support services", $35,913,000: Provided, That $3,611,000 of this appropriation, to remain available until expended, shall be available solely for the District of Columbia employees' disability compensation: Provided, That of the funds provided for the Office of Emergency Shelter and Support Services, $750,000 shall be used to provide food for the homeless and may not be used for any other purpose.

PUBLIC WORKS
(Including Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-4), $5,219,000 are rescinded.

WASHINGTON CONVENTION CENTER FUND

For an additional amount for "Washington Convention Center Fund", $543,000.

REPAYMENT OF LOANS AND INTEREST

Of the funds appropriated under this heading for the fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-5), $5,834,000 are rescinded.

REPAYMENT OF GENERAL FUND DEFICIT

For an additional amount for "Repayment of general fund deficit", $13,950,000. Provided that, in addition, all net revenue that the District of Columbia government may collect as a result of the District of Columbia government's pending appeal in the consolidated case of U.S. Sprint Communications et al. v. District of Columbia, et al., CA 10080-87 (court order filed on November 14, 1988), shall be applied solely to the repayment of the general fund accumulated deficit.

SHORT-TERM BORROWINGS

For an additional amount for "Short-term borrowings", $4,592,000.

PERSONAL SERVICES ADJUSTMENTS

Of the funds appropriated under this heading for the fiscal year ending September 30, 1989, in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-1 through 2269-6), $18,553,000 are rescinded. During the fiscal year ending September 30, 1989, the Mayor shall reduce the number of authorized, continuing, full-time, funded positions above DS-10 by 318.

ENERGY ADJUSTMENT

The Mayor shall reduce authorized energy appropriations and expenditures within object class 30a (energy) in the amount of an additional $349,000, within one or several of the various appropriation headings in this Act.

EQUIPMENT ADJUSTMENT

The Mayor shall reduce authorized equipment appropriations and expenditure within object class 70 (equipment) in the amount of $3,500,000 within 1 or several of the various appropriation headings in this act.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $131,942,000 to remain available until expended: Provided, That $15,970,000 of prior year authority is rescinded for a net increase of $115,972,000: Provided further, That $4,185,000 shall be available for project management and $9,425,000 for design for the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: Provided further, That $25,000,000 shall be available to the Department of Corrections for a feasibility study, site acquisition, and design and construction of a jail that is generally bounded by G Street, N.W. on the north, 6th Street, N.W. on the west, Pennsylvania Ave., N.W. on the south, and 1st Street, N.W. on the east. The feasibility study shall include a companion analysis of a revised mission for the present jail to prevent duplication: Provided further, That the executive branch is prohibited disposing of any property in the Judiciary Square area that is under the jurisdiction of the Mayor until a site has been chosen.

REPROGRAMMINGS AND REDUCTIONS

No funds appropriated in this act for the operation of programs, projects, or activities of the government of the District of Columbia for which the Council of the District of Columbia has approved a specific budget increase shall be reprogrammed or reduced prior to 30 days written notice to the Council of the District of Columbia.

WATER AND SEWER ENTERPRISE FUND

An amount, not to exceed $100,000, is appropriated to compensate individuals as provided in the Water Main Break Fund Emergency Act of 1988, effective December 21, 1988 (D.C. Act 7-269; to be codified at D.C. Code, sec. 47-375, note).

Sec. 3. This act shall take effect as provided in section 446 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 801; D.C. Code, sec. 47-304).

Chairman
Council of the District of Columbia

Mayor
District of Columbia

COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO B8-162

☐ Item on Consent Calendar

☒ ACTION & DATE Adopted Final Reading, 3-21-89

☒ VOICE VOTE Approved, Member Kane voted no

Recorded vote on request

Absent all present

☐ ROLL CALL VOTE — RESULT ______ (___ ___ ___ ___)

COUNCIL MEMBER	AYE	NAY	N V	A B	COUNCIL MEMBER	AYE	NAY	N V	A B	COUNCIL MEMBER	AYE	NAY	N V	A B
CHMN CLARKE					MASON					THOMAS SR				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH JR									

X — Indicates Vote A B — Absent N V — Present not voting

CERTIFICATION RECORD

Secretary to the Council

3-27-89
Date

☐ Item on Consent Calendar

☐ ACTION & DATE

☐ VOICE VOTE

Recorded vote on request

Absent

☐ ROLL CALL VOTE — RESULT ______ (___ ___ ___ ___)

COUNCIL MEMBER	AYE	NAY	N V	A B	COUNCIL MEMBER	AYE	NAY	N V	A B	COUNCIL MEMBER	AYE	NAY	N V	A B
CHMN CLARKE					MASON					THOMAS SR				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH JR									

X — Indicates Vote A B — Absent N V — Present not voting

CERTIFICATION RECORD

Secretary to the Council

Date

☐ Item on Consent Calendar

☐ ACTION & DATE

☐ VOICE VOTE

Recorded vote on request

Absent

☐ ROLL CALL VOTE — RESULT ______ (___ ___ ___ ___)

COUNCIL MEMBER	AYE	NAY	N V	A B	COUNCIL MEMBER	AYE	NAY	N V	A B	COUNCIL MEMBER	AYE	NAY	N V	A B
CHMN CLARKE					MASON					THOMAS SR				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH JR									

X — Indicates Vote A B — Absent N V — Present not voting

CERTIFICATION RECORD

Secretary to the Council

Date

TO: Members of the Council

FROM: David A. Clarke, Chairman
Committee of the Whole

DATE: March 7, 1989

SUBJECT: Fiscal Year 1989 Supplemental Budget Request and Fiscal Year 1990 Budget Request (dollar figures in thousands unless otherwise noted)

The Committee of the Whole recommends the Mayor's proposed Fiscal Year 1989 Supplemental Budget and Fiscal Year 1990 Budget Requests with the following changes.

Energy Adjustment

FY89: -$349

The District appears to be paying excessive per unit prices for fuel oil #2, fuel oil #4, fuel oil #6, and gasoline in Fiscal Year 1989. After examination of citywide consumption and budget figures, it appears that if the District were to contract through the General Services Administration (GSA), or through a contractor who offered prices compararable to that offered through GSA, savings could be acheived in the amount of $2,768.

There is currently budgeted an energy adjustment of $2,070 and therefore it can be concluded that the adjustment might be increased by $698 for Fiscal Year 1989. However, the current contract for these energy sources is up for renewal in April, 1989. If the District continues with the current supplier at more favorable prices or switches to an alternative supplier to acheive the lower prices comparable to the GSA price the District could save $349 in the remaining half of Fiscal Year 1989. Accordingly, the Committee recommends that the Energy Adjustment line be changed to reflect an additional $349 in savings in Fiscal Year 1989.

The table below shows the Fiscal Year 1989 consumption for each fuel type and the budget amount for the consumption level. The per unit budgeted price is derived by dividing the budget by the consumption. That budgeted per unit price is then compared to the GSA price in column (D) (which was the price as of February 28, 1989, to calculate the price difference. For all fuels the GSA price is lower than the budgeted per unit price. Column (F) is the estimation of overpayment and is derived by multiplying the difference in price by the consumption.

FY 1989
ALL NUMBERS IN THOUSANDS EXCEPT PER UNIT PRICES

	(A) CONSUMPTION (GALLONS)	(B) BUDGET	(C=B/A) AVG. UNIT PRICE	(D) G.S.A. PRICE	(E=C-D) PRICE DIFF.	(F=E*A) OVER-PAYMENT
FUEL#2	1,465	$1,032	70.42c	52.25c	18.17c	$266
FUEL#4	8,190	$3,949	48.22c	46.43c	01.79c	$147
FUEL#6	4,950	$2,903	58.65c	34.88c	23.77c	$1,177
GAS	3,638	$3,067	84.[illegible]0c	63.00c	21.30c	$774
					TOTAL	$2,768
					BUDGETED ENERGY ADJUSTMENT	-$2,070

						$698
					HALF YEAR SAVINGS =	$349

Debt Service

FY90: -$2,768

The Committee recommends that the District cut back its projected borrowings for Fiscal Year 1990 by 10%. The savings in debt service of such a reduction would be $2,768 in Fiscal Year 1990.

The Committee shares the concern of the Executive Branch that outstanding capital debt per person in the District of Columbia is relatively high. As is noted in the Operating Budget (1989: p. V-17) the debt-per-capita is $3,939 and is "2.3 times higher than the debt per capita for Hawaii, which is the jurisdiction most comparable to the District because it issues debt for both state and municipal capital projects."

The budget for debt service was underspent in in Fiscal Year 1987 by $2,120 and by $860 in Fiscal Year 1986 and while in Fiscal Year 1988 the spending was roughly equal to the budget, final spending was $1,878 less than was originally requested by the Executive for Fiscal Year 1988.

Furthermore, the Executive often spends differently than set forth in the plan which the Council approves for the capital borrowing. For example, for the period April, 1987 through March, 1988, the Executive planned to spend $259 million on specific projects in a plan approved by the Council. Actual spending on those specific projects was $216 million or $43 million less than the Council had approved. Again, for the period April, 1986 through March, 1987, the Executive planned to spend $213 million on specific projects in a plan also approved by the Council. Actual spending on those specific projects was $130 million or $83 million less than the Council had approved.

That means that the Executive failed to spend 17% of the funds approved for the borrowing in the manner approved by the Council for the April, 1987 through March, 1988 period and 39% less in the April, 1986 through March, 1987 period.

The Fiscal Year 1990 debt service costs will be $28 million just on those borrowings which the Executive projects for Fiscal Year 1989 and 1990.

Accordingly, if the District were to borrow only 10% less in Fiscal Year 1989 and 1990 than it has projected, the debt service savings would be $2,768 in Fiscal Year 1990.

Repayment of the General Fund Deficit

FY89: -$5,000
FY90: -$5,000

The Executive's request to set aside $10 million of budget authority in both Fiscal Year 1989 and in Fiscal Year 1990 is recommended to be changed to $5 million in each year.

These recommendations are premised upon the Executive's estimation that the District will prevail in it's appeal of the adverse decision handed down by the Superior Court of the District of Columbia Although, the Committee recommends reducing the budget for deficit reduction, it recommends directing that any net proceeds which the Districvt receives bu virtue of a successful decision in the appeal of the consolidated case of US Sprint Communications, et al. v. District of Columbia, et al. CA 10080-87. The case concerned the District's tax of 6.7% on the gross receipts of telecommunications companies engaged in the provision of long distance telecommunication services in the District of Columbia

In December of 1987 the Court enjoined the District from collecting the tax. That caused the District to fail to collect approximately $18.5 million in expected Fiscal Year 1988 revenues and $8.2 million in Fiscal Year 1989 planned revenues.

These revenues, which the District failed to collect, are not in the Executive's revenue estimates for Fiscal Year 1989 or Fiscal Year 1990 transmitted with his budget requests. If the District wins the appeal, as the Executive asserts it will, then these revenues will flow to the District and will represent $26.7 million in flexibility or unbudgeted funds.

It is the Committee's belief, however, that the Mayor's expectation of victory in the appeal of US Sprint constitutes a $26.7 million revenue estimate. In his letter to the Chairman of February 16, 1989, transmitting the draft bill entitled "Gross Receipts Tax Amendment Emergency Act of 1989" (attached) the Mayor discussed the differences between the District's current long distance gross receipts tax and that of an Illinois law which was upheld in the Supreme Court (January 10th ruling by the Supreme Court in Goldberg v. Sweet argued October 12, 1988).

The Mayor spoke of the effect of a judicial defeat as a loss "from this revenue source". But the Mayor did not predict a judicial defeat; he said:

> The only difference between the two laws that was not addressed in Goldberg is the retroactive application of the District's law, which I believe will be affirmed on appeal.
>
> The Supreme Court decision in Goldberg increases the likelihood that our appeal in US Sprint will be successful.

The Mayor estimates that the value of winning the appeal of US Sprint is $18.5 million from lost collections in Fiscal Year 1988 and $19.6 million in Fiscal Year 1989.

However, the passage of the Mayor's requested emergency legislation will allow the District to begin collection of a modified form of the tax beginning in March, 1989, and therefore, the Fiscal Year 1989 gains attributable to a judicial victory will be limited to that portion (42%) attributable to the first five months of Fiscal Year 1989, namely $8.2 million ($19.6 million x 42%=$8.2 million).

Thus, the predicted victory in the US Sprint appeal will permit the collection of an additional $26.7 million ($18.5 million from Fiscal Year 1988 and $8.2 million from Fiscal Year 1989). Again, that amount is currently unbudgeted.

Therefore, the Committee recommends that the Council amend the budget act for Fiscal Year 1990 (when the judicial process will probably end) to require that the net proceeds resulting from a District victory in the appeal of the ruling be pledged solely to the repayment of the general fund deficit. Added to that amount of $26.7 million the Committee recommends keeping $5 million of the amount the Mayor's has requested in his proposed Fiscal Year 1990 Budget.

The Committee makes that last recommendation, of keeping $5 million of the amount requested by the Mayor, in recognition that, although predicted, victory in the appeal of the court order on the telecommunication gross receipts tax is not an absolute certainty. Having the $5 million remain budgeted in each fiscal year for repayment of the general fund deficit to insures, at a minimum, that repayment in the amount of $10 million will occur over the two years. If the District is victorious in the appeal, as much as $36.7 million would go towards deficit repayment over the two fiscal years.

Therefore the Committee recommends that the appropriation title of the proposed budget act concerning the repayment of the deficit be amended to read (underlined portion is new):

> For the purpose of reducing the $218,872 general fund accumulated deficit as of September 30, 1988, ($10,000) $5,000 and in addition all net revenue which the District of Columbia may collect as a result of the District of Columbia's pending appeal in the consolidated case of US Sprint Communications, et al. v. District of Columbia, et al. CA 10080-87 (court order filed November 14, 1988) shall be applied solely to the repayment of the general fund accumulated deficit.

Early Out Retirement Savings

FY90: -$5,000

The Executive has estimated that the District will save $10.4 million in Fiscal Year 1989 as a result of a 20% acceptance of the "early out" retirement option being offered District employees who are participants in the Civil Service Retirement System.

The Committee agrees with this Fiscal Year 1989 estimate of savings and recommends no change in Fiscal Year 1989. Those opting for the early out will retire by April and the savings will result from their not being on the payroll for the remainder of the fiscal year (1/2 of the fiscal year).

However, the Executive has estimated that in Fiscal Year 1990 the savings resulting from the early out will again be $10.4 million. The Committee believes that potential savings could be greater in Fiscal Year 1990 than in Fiscal Year 1989. If $10.4 million is saved in half a year (in Fiscal Year 1989) the estimate that only the same amount will be saved in the following fiscal year means that, on average, the Executive plans to refill all the vacated positions by mid-year. If that average refilling rate were changed to three quarters into the fiscal year then the savings could be $5 million greater.

Accordingly, the Committee recommends increasing the estimated savings in Fiscal Year 1990 resulting from the early out by $5 million.

Personnel Adjustment
(Employee Furlough)

FY89: $1,950

The Chairperson of the Committee on Housing and Economic Development has suggested that each committee slightly reduce the budgets of the agencies and line items under their purview in Fiscal Year 1989 to offset the recommendation of the Executive to furlough employees for seven days.

This Committee is willing to go along with that suggestion. The recommendation of the Chairperson of the Committee on Housing and Economic Development for agencies under the purview of the COW sums to $1,950. The Committee thus dedicates $1,950 of its reductions to offsetting the need for a furlough. This action alone eliminates one day from the Executive's proposed employee furlough.

The reason the Committee is willing to do this is that it feels that the Executive's proposal to furlough employees represents a breach of faith with the District's workforce. The employees bargained in good faith with the city and the Executive's proposal for a seven day furlough effectively "takes back" (without returning to the bargaining table) the negotiated pay adjustment of 3% for Fiscal Year 1989. It is the belief of the Committee that the District must uphold its commitments to its employees. While treating fairly the employees we have on board, the Committee feels that the ongoing and seemingly uncontrolled hiring within the Executive Branch must be contained. It is that uncontrolled hiring which has forced the District into the situation where it must consider furloughs.

The excessive hiring and personnel services overspending is concentrated in temporary and term employees. In the agencies which are under the direct control of the Mayor and subject to the proposed furlough there are 1,114 temporary and term employees on board who were hired in calendar year 1987 and another 1,130 who were hired in calender year 1988. Astoundingly, in January and February of 1989, an additional 151 were hired.

The Committee believes that the Council should act to stem this growth so that the District can insure that it can take care of the employees it already employs. Therefore, the Committee recommends that the Council include in both budget acts a requirement to limit new hiring in agencies under the control of the Mayor to positions which are to be filled by present employees currently at the same grade or lower unless the City Administrator certifies to the Council, on a monthly basis, each position is necessary for the fullfillment of an identified essential governmental function and which cannot be filled from within the government. The Committee further recommends the the Metropolitan Police Department be exempted from this freeze.

Redirections to Agencies Outside COW Purview

FY89: $3,045
FY90: $11,834

- **Metropolitan Police Department**

- **The Committee redirects $5 million in Fiscal Year 1990 to the Committee on the Judiciary to be used in the Metropolitan Police Department for the purpose of funding 160 sworn police officers.**

- Department of Human Services

- Drug Treatment: Together with putting more law enforcement personnel on the streets, drug abuse prevention and treatment is the most importatnt action that the city can take at the present time. Hoewever bad the fiscal situation, we cannot cut back on these items at this time. The Committee redirects $1,487 in Fiscal Year 1989 and $2,515 Fiscal Year 1990 to restore the Executive's requested reduction in funding for drug-free (abstinance) programs. This will restore the entire Fiscal Year 1989 other than personnel services reduction and in Fiscal Year 1990 will provide for a 5% increase over the restored level of Fiscal Year 1989. This increase is to Alcohol and Drug Abuse control center of the Department.

- Food for the Homeless: The Committee redirects $750 in Fiscal Year 1989 and $750 in Fiscal Year 1990 to restore the Executive's requested reduction in funding for feeding the homeless. This increase is to Office of Emergency Shelter & Support Services responsibility center within the Commission of Social Services control center of the Department. Food is even more essential to survival than is housing and there are other places from which savings can be had than this line.

- Aid to Families with Dependent Children: The Committee redirects $1,900 in Fiscal Year 1990 to restore the Executive's requested reduction in funding for the legislatively mandated cost-of-living increase for AFDC recipients. This increase is to the Aid to Families with Dependent Children control center of the Department.

- General Public Assistance: The Committee redirects $584 in Fiscal Year 1990 to restore the Executive's requested reduction in funding for the legislatively mandated cost-of-living increase for GPA recipients. This increase is to the General Public Assistance control center of the Department.

- AIDS: The Committee redirects $808 in Fiscal Year 1989 and $808 in Fiscal Year 1990 to restore one-half of the Executive's requested reduction in funding for the AIDS program. This increase is to the Office of AIDS Activities with in the Commission of Public Health control center of the Department.

- Department of Recreation

- The Committee redirects $1 million Fiscal Year 1990 to the Committee on Public Services to be used for programs designed to assist youth at risk in our community.

COMMITTEE ACTION

The Committee approved the markup proposed in this report on a roll call vote. The vote was nine in favor and four oppossed. Those in favor were, Clarke, Smith, Rolark, Mason, Thomas, Crawford, Jarvis and Lightfoot. Those opposed were Ray, Wilson, Winter and Kane.

FY89 (all numbers in thousands)

Agency / Line Item	Mayor's Request		COW Recommendation		Difference	
	Budget	Positions	Budget	Positions	Budget	Positions
Council (AB)	$8,067	172	$8,067	172	$0	0
DC Auditor (AC)	$784	18	$784	18	$0	0
Budget Office (BC)	$1,927	47	$1,927	47	$0	0
Statehood (CI)	$150		$150		$0	
COG (EA)	$370		$370		$0	
Planning Office(BD)	$3,683	72	$3,683	72	$0	0
International Business (IB)	$489	5	$489	5	$0	0
Teachers Retirement (GX)	$70,100		$70,100		$0	
Debt Service (DS)	$229,962		$229,962		$0	
Short Term Interest (ZF)	$9,162		$9,162		$0	
Deficit Repayment (ZD)	$10,000		$5,000		-$5,000	
Optical & Dental (PS)	$2,569		$2,569		$0	
Inagural Expenses	$2,300		$2,300		$0	
Energy Adjustment Adjustment (zz)	-$2,070		-$2,419		-$349	
Personnel Adjustment	-$14,000		-$12,050		$1,950	
Early out savings	-$10,400		-$10,400		$0	
Personnel Savings	-$8,800		-$8,800		$0	
COW PURVIEW	$304,293		$300,894		-$3,399	
Redirected to Food for the Homeless	$0		$750		$750	
Redirected to AIDS	$0		$808		$808	
Redirected to Drug Abstinance Programs	$0		$1,487		$1,487	
TOTAL	$304,293		$303,939		-$354	

FY90 (all numbers in thousands)

Agency / Line Item	Mayor's Request		COW Recommendation		Difference	
	Budget	Positions	Budget	Positions	Budget	Positions
Council (AB)	$8,213	172	$8,213	172	$0	0
DC Auditor (AC)	$805	18	$805	18	$0	0
Budget Office (BC)	$1,980	47	$1,980	47	$0	0
Statehood (CI)	$150		$150		$0	
COG (EA)	$383		$383		$0	
Planning Office(BD)	$3,678	70	$3,678	70	$0	0
International Business (IB)	$497	7	$497	7	$0	0
Teachers Retirement (GX)	$86,300		$86,300		$0	
Debt Service (DS)	$251,474		$248,706		-$2,768	
Short Term Int (ZF)	$10,997		$10,997		$0	
Deficit Repay (ZD)	$10,000		$5,000		-$5,000	
Optical & Dental (PS)	$2,569		$2,569		$0	
Energy Adjustment(ZZ)	-$2,000		-$2,000		$0	
Early out savings	-$10,400		-$15,400		-$5,000	
Personnel Savings	-$8,800		-$8,800		$0	
COW PURVIEW	$355,846		$343,078		-$12,768	
Redirected to Police	$0		$5,000		$5,000	
Redirected to Food for the Homeless	$0		$750		$750	
Redirected to AIDS	$0		$808		$808	
Redirected to AFDC	$0		$1,900		$1,900	
Redirected to GPA	$0		$584		$584	
Redirected to Drug Abstinance Programs	$0		$2,515		$2,515	
Redirected to Recreation	$0		$1,000		$1,000	
TOTAL	$355,846		$355,635		-$211	

FEB 16 1989

Honorable David A. Clarke
Chairman
Council of the District of Columbia
District Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Mr. Chairman:

Enclosed for the consideration of the Council of the District of Columbia is a draft bill entitled "Gross Receipts Tax Amendment Emergency Act of 1989". The purpose of the bill is to revise the gross receipts tax on telecommunications companies. The need for this legislation arises from the recent adverse decision handed down by the Superior Court of the District of Columbia in the consolidated case of U.S. Sprint Communications, et al. v. District of Columbia C.A. 8599-87 and American Telephone & Telegraph Company, et al. v. District of Columbia, et al. C.A. 10080-87 (court order filed November 14, 1988), the January 10, 1989 ruling by the Supreme Court in Goldberg v. Sweet (argued October 12, 1988), and the current budget deficit.

In the U.S. Sprint case, U.S. Sprint, AT&T, and seven other telecommunications companies challenged the constitutionality of the District of Columbia Gross Receipts Tax Amendment Act of 1987, effective July 17, 1987, D.C. Law 7-25 (the "Act"), and companion emergency legislation which imposed retroactively to July 1, 1986 a tax at the rate of 6.7 percent on the gross receipts of telecommunication companies engaged in the provision of toll telecommunication (long distance) services in the District of Columbia. The Act exempted toll telecommunication services for resale from the gross receipts tax.

In December of 1987, the Court enjoined collection of the gross receipts tax from telecommunications companies pending a resolution of the cases on their merits. In resolving the cases, the Court found the retroactive application, the potential for double taxation, and the disproportionate cost of compliance under the Act constitutionally inappropriate and struck down the Act as unconstitutional. If this adverse court action is affirmed on appeal, the District will lose from this revenue source an additional estimated $19.6 million in Fiscal Year 1989 and $21.2 million in Fiscal Year 1990.

In the Goldberg case, petitioners challenged an Illinois Supreme Court ruling that an Illinois excise tax of 5% on the gross charges of interstate telecommunications which originate or terminate in Illinois and are charged to an Illinois service address is constitutional. The Supreme Court held that the Illinois tax on interstate telecommunications does not violate the Commerce Clause. The District of Columbia's telecommunications gross receipts tax is substantially the same as the Illinois law, except that the D.C. Law does not contain a credit, is to be applied retroactively, and is a gross receipts tax (as opposed to an excise tax). Additionally, the telecommunications companies state that in some circumstances they are unable to identify all of the calls that originate and terminate in D.C. because the technology involved includes some portions of Maryland and Virginia.

According to my analysis and that of the Corporation Counsel, most of the differences between the Illinois law and the District's law have no constitutional significance. The Supreme Court's opinion makes it clear that the risk of multiple taxation is so low that a credit provision is not necessary to make the law constitutional, and that the Illinois credit is only additional insurance against multiple taxation. Also, the Court ruled that because the excise tax had the same economic effect as a sales tax, it fairly apportioned the tax to the in-state component of the activity being taxed. The District's gross receipts tax also has the same economic effect as a sales tax, i.e., it can be assessed on the individual consumer, collected by the retailer and can accompany the retail purchase of the interstate call. The fact that it is a tax on gross receipts and that it is not required to be assessed on the individual consumer is of no consequence. The tax is limited to gross receipts from in-state calls, and is drafted to prevent multiple taxation. The only difference between the two laws that was not addressed in Goldberg is the retroactive application of the District's law, which I believe will be affirmed on appeal.

The Supreme Court decision in Goldberg increases the likelihood that our appeal in U.S. Sprint will be successful. However, the present proposed legislation contains a credit provision similar to the Illinois credit; it is to be applied prospectively; and it contains authority for the Mayor to apply an alternative allocation formula if the company cannot otherwise compute the gross receipts located solely in the District. The Office of the Corporation Counsel and I do not believe these revisions are necessary to make the law constitutional; however, the District is presently unable to collect the tax because of the injunction, and these revisions will have no adverse effect on the revenue anticipated to be collected and are not objectionable.

It is important to preserve the case on appeal to protect the District's revenue for the periods during which the previous law is applicable. These revisions are recommended only because the District needs to begin collecting this tax as soon as possible, and the changes can be made without harm to the public fisc. This intent should be reflected in the legislative history of the enactment of this law.

If collection of this tax begins with the month of March 1989, approximately $12 million will be added to the 1989 Fiscal Year budget, helping to alleviate the present budget deficit and the problems caused by the deficit. The enactment of this bill on an expedited basis is necessary so that maximum collection can be obtained this fiscal year. I am therefore submitting this as emergency legislation.

Sincerely,

Marion Barry, Jr.
Mayor

APPENDIX A: THE FEDERAL PAYMENT

Living in the nation's capital is for Washingtonians a source of great pride. However, the District's unique status among America's major cities brings with it special financial burdens. In recognition of the extraordinary net costs the District incurs as the nation's capital, the federal government makes an annual payment to the District government.

The District has long advocated the adoption of a formula-based federal payment that would establish a predictable payment level and allow for much more rational budget planning and preparation. To date, those efforts have been unsuccessful, and the size of the federal payment remains an annually negotiated amount influenced by many factors. Under the Home Rule Charter, the Mayor is directed to consider several elements of the costs and benefits of the federal presence in determining the amount of the federal payment to request. To the extent feasible, these elements should include tax revenue lost as a consequence of the limited commercial and industrial property in the District; the relative lack of taxable business income, which reflects the predominance of the public sector in the local economy; potential revenue that would be realized if exemptions from District taxes were eliminated; the net cost of providing public services for nonprofit corporations and businesses dealing exclusively with the federal government; recurring and nonrecurring costs of unreimbursed services provided for the federal government by District agencies and provided for the District government by federal agencies; expenditure requirements unique to the nation's capital, such as extraordinary security measures and ceremonial functions; the tax burdens on District residents compared with tax burdens in surrounding jurisdictions and comparable cities; and the level of federal grants available to the District in comparison with other state and local governments.

Over the last five years, many of the elements to be considered in setting the federal payment have increased. The payment level, however, has changed very little in nominal terms. In constant dollars, the payment has declined 16 percent.

HISTORY OF THE FEDERAL PAYMENT

The federal contribution to the District of Columbia dates back to the establishment of the District as the nation's capital in 1800. Congress has undertaken comprehensive, formal reviews of the payment at least seven times in the past 100 years, and it thus far has reached one consensus: the extraordinary federal presence imposes significant net costs on the District for which the federal government acknowledges a financial obligation.

For approximately 90 years (1835-1925), the payment level was set according to a formula that provided funds ranging from 40 to 50 percent of the District budget. In 1925, however, the formula approach was abandoned in favor of a lump-sum concept, with the annual payment being based on negotiations between the District and the federal government. Since that time, the federal share of the District budget has ranged from a low of 9 percent to a high of 30 percent. If the District receives the $430.5 million recommended by the President in the FY 1990 budget of the

U.S. Government, the federal payment will finance approximately 14.1 percent of the District's FY 1990 budget, the lowest ratio in 24 years.

While the Home Rule Act delegated many authorities to an elected District government, it did not change the fundamental relationship between the District and the federal government. Congress still maintains ultimate legislative authority over the District and still enacts annual appropriations for locally generated tax revenues, as well as the federal payment.

Nevertheless, the advent of home rule introduced two new features to the federal payment process. First, the Home Rule Charter authorized payment levels several years in advance, thereby avoiding the time-consuming process of obtaining new authorization amounts each year. Second, the charter provided for growth in the authorized level. Unfortunately, initial actual appropriations fell short of the authorization and did not increase steadily. However, between FY 1981 and FY 1985, as requested by the President, the federal payment authorization was increased annually, and those amounts were fully appropriated in the budget act. In FY 1986, Congress concurred with the President's recommendation to appropriate the same amount as in the previous years, but in FY 1987 increased the appropriated amount to $444.5 million. In FY 1988, constrained by the summit agreement on deficit reduction, Congress added only $5.5 million to the $425 million recommended by the President. The President proposed $430.5 million in his FY 1989 budget, and Congress appropriated the same amount.

Since FY 1974 the federal payment, as shown in Table A-1, has provided less than one-fourth of the funds needed to finance the District's programs and generally has represented a declining share of the total operating budget since home rule. Because of this relative decline in the federal payment, a greater portion of the budget has been financed through taxes imposed on District residents and businesses. In addition, the failure of the federal payment to grow in recent years has aggravated the District's current budgetary pinch.

Through the years, the variability of the federal payment has made it difficult for the District to develop more realistic long-range programs and financial plans. In fact, the uncertainty of the payment is one of the factors that led to less-than-optimum ratings for the District's long-term general obligation bonds. This uncertainty was reduced in the early 1980's. The authorized federal payment grew at about the same rate as District tax revenue, and Congress appropriated the full authorized amount. Late in the first quarter of FY 1986, however, Congress subjected the FY 1986 federal payment to the across-the-board cuts applied to most domestic programs in the federal budget under the Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177). Halfway through the fiscal year, the District sustained a $12.6 million loss in the federal payment resulting from these across-the-board cuts and was forced to adjust its budget immediately. A much greater automatic reduction in the FY 1987 federal payment was avoided when, three months into the budget year, Congress reached agreement on a continuing resolution for the entire U.S. budget that met the mandatory deficit ceiling and appropriated the full $444.5 million federal payment approved by the committee of conference.

Table A-1
FEDERAL PAYMENT IN RELATION TO ORIGINAL OPERATING BUDGET
($ Millions)

Fiscal Year	Total Original Operating Budget[1]	Federal Payment[1]	Percent of Original Operating Budget
1974	841.4	187.5	22.3
1975	919.9	226.2	24.6
1976	1,042.1	248.9	23.9
1977	1,131.0	276.6	24.4
1978	1,260.8	276.0	21.9
1979	1,335.7	250.0	18.7
1980	1,426.0	276.5	19.4
1981	1,457.9	300.0	20.6
1982	1,586.3	336.6	21.2
1983	1,792.1	361.0	20.1
1984	1,915.7	386.0	20.1
1985	2,119.6	425.9	20.1
1986	2,277.7	412.4	18.1
1987	2,426.1	444.5	18.3
1988	2,593.7	430.5	16.6
1989	2,813.7	430.5	15.3
1990	3,060.6[3]	430.5[2]	14.1

1. Excludes federal payments for special purposes (criminal justice, Saint Elizabeths Hospital, education, etc.).

2. Proposed by the President.

3. Includes a $5.5 million amendment to be proposed, pending the appropriation of a $430.5 million federal payment.

Setting the FY 1988 federal payment continued that uncertainty. Substantial changes in sequestration procedures would have resulted in a federal payment ranging from $397.6 million to $423.8 million, depending on the timing of the granting of permanent spending authority vis-a-vis the issuance of the final sequestration order. Once again, a last-minute administration and congressional budget summit agreement averted the sequester. Nevertheless, the committee of conference subsequently lowered the federal payment below the Senate mark to meet new across-the-board budget reduction targets established by the budget summit. Although the FY 1989 federal budget escaped sequestration, severe spending restrictions resulted in no change in the District's federal payment appropriation. Until the protracted federal decision making about cutbacks ceases, presumably in FY 1993 when the budget must be balanced, the final federal payment level will probably remain uncertain until about two to three months into each budget year.

SETTING THE FEDERAL PAYMENT LEVEL

Several studies over the past 150 years have attempted to define more precisely the fiscal relationship between the federal government and the District of Columbia. The Committee on the Organization and Effectiveness of the District of Columbia Government (Nelsen Commission) undertook such a study and published its results in 1972. The commission concluded that "the federal payment . . . will continue to represent a kind of equilibrium, balancing extraordinary net benefits of the federal presence with extraordinary net costs, however these benefits and costs may be defined."

While the many studies of the federal payment have introduced a variety of new factors, the bottom line is that not all the extraordinary net costs that the District bears can be quantified exactly. Especially difficult to measure are the benefits redounding to the District as the nation's capital. Among those are a strong tourist industry, a handsome monumental core and park system, and federal concern for an attractive downtown. The remainder of this section describes the various factors that influence the federal payment and quantifies, to the extent feasible, many of the variables affecting the federal payment amount.

FOREGONE TAXES

The District loses substantial amounts of revenue because of the federal presence and explicit federal policy decisions that limit the District's taxation powers. Prohibitions on commuter taxes, congressionally established exemptions for foreign and diplomatic property, and federal ownership or use of about 44 percent of all real property all result in a loss estimated at about $1.5 billion at the 1989 tax-year rates. If the District's tax base included those properties and income, the current property and income tax burdens could be lowered on average by 53 percent and still generate the same amount of local revenue that is possible with the current restricted base. Table A-2 presents the estimated FY 1989 taxes foregone because of the federal presence and federal taxing restrictions. More than 97 percent of that total is due to property and income tax losses. The table also shows that over the past four years the revenue foregone because of federal restrictions has increased 33.5 percent. The federal payment has increased only 1.3 percent.

COSTS OF SERVICES

The District of Columbia and the federal government provide each other with a wide variety of services, ranging from the Smithsonian's Anacostia Neighborhood Museum to the District Fire Department's crash coverage for all presidential and vice presidential helicopter landings and takeoffs. Many of those services and their associated costs are easily quantifiable, and reimbursement is explicitly included in the respective federal or District budget. For example, the District pays the federal government each year for prisoner care by the Bureau of Prisons, and the federal government pays the District for water and sewer services and the Capitol Page School. Many services, such as fire protection and accessibility to

Table A-2
TAX REVENUES FOREGONE BECAUSE OF FEDERAL PRESENCE AND POLICIES, FY 1985 AND FY 1989 ($ Millions)

	FY 1985	FY 1989
I. Revenues lost because of federally mandated exemptions from District property taxes		
Federal real estate	320.8	353.7
Other exemptions (foreign governments and special acts of Congress)	32.1	33.6
Federal and other personal property	45.0	66.3
Subtotal	397.9	453.6
II. Revenues lost because of federal restrictions on District taxing authority		
Nonresident individual income tax	654.2	950.2
Appointees and congressional employees	6.0	6.5
Subtotal	660.2	956.7
III. Nonproperty tax revenues lost from diplomatic exemptions	23.7	36.7
IV. Revenues lost because of federal restrictions on taxation of the military	28.0	34.3
Total taxes foregone	1,109.8	1,481.3

Source: Department of Finance and Revenue, September 1988.

national museums, are not easily quantifiable, however, and reimbursement by the respective government receiving the benefits is not provided.

There are many conceptual and technical problems associated with measuring the cost of those intergovernmental services. The services must be carefully identified and satisfactory methods found for evaluating the benefits and allocating fixed and variable costs. Many services are jointly consumed by the District and federal governments, making cost and benefit allocations difficult. Examples include police protection rendered by both District and federal police forces and the extensive system of parks and recreation programs provided by both governments. To measure and place a value on each item of service would require a vast amount of statistical work entailing substantial personnel costs and considerable controversy. Rather than embark on such an enterprise, each level of government has chosen, in effect, to absorb the costs of the numerous unreimbursed programs within the regular operating budget of the responsible agency. In formulating the federal payment request, one must take into account the relative in-kind contribution made by each level of government, even if the contribution itself cannot be quantified.

INTERCITY EXPENDITURE COMPARISONS

Responsibilities borne by the District of Columbia government are much broader than those of most other cities. The District finances a full range of public services normally provided by city, county, special district, and state governments. Some of the nonmunicipal services that the District provides include elementary, secondary, and higher education; public assistance; public health; hospitals; courts; correctional facilities; motor vehicle registration; motor vehicle operator licensing; insurance and public utility regulation; minimum wage enforcement; employment services; and unemployment compensation.

Over the last ten or more years, the nation has witnessed a clear trend toward shifting the cost of selected services, particularly social and health programs, from municipal governments to larger units and, until relatively recently, from states to the federal government. There has been a growing awareness that cities will be unable to survive unless regions, states, and the federal government share more extensively in the cities financial responsibilities. The District, however, has no county or state government to help share the costs of state-related services. Its unique status as a city-state requires the District to assume full financial responsibility for all state-related services, despite the limited boundaries established by the Constitution and the narrow tax base prescribed by Congress.

When expenditures by the District and other cities are divided into those traditionally provided by municipal governments and those usually delivered or financed by other governmental units, it is clear how different the District is from most cities. In FY 1986, 23 cities of comparable populations in the U.S. spent 49.4 percent of their budgets on municipal activities. Those activities included, for example, police and fire protection. In the District, however, only 38.6 percent of the budget was available for municipal functions, with 61.4 percent of the budget being absorbed by functions that those cities typically do not provide. Some of the nonmunicipal services the District provides are all levels of education, public assistance, public health, hospitals, courts, correctional facilities, insurance regulation, and unemployment compensation.

INTERCITY TAX AND FEDERAL GRANT COMPARISONS

One of the charter provisions pertaining to the federal payment requires a comparison of District tax burdens and federal grants with the burdens and grants of other jurisdictions. While it is easy to determine these figures for the District, it is very difficult to know what to compare them with. No jurisdiction in the United States shares the District's city-state attributes.

Like its expenditure pattern, the District's revenue structure is unique and comprehensive, one that combines local taxes and fees (property taxes, water and sewer charges, and traffic fines) with state taxes and fees (income taxes, sales and excise taxes, motor vehicle registration fees, and gas consumption taxes). Despite such a comprehensive revenue structure, the District lacks the tax base that a typical city or state would have. Some of those differences have been discussed above and result from unusual taxation restrictions or from the domination of the District's economy by the public sector (see Economic Outlook in chapter II). Other differences result from the District's unusually high percentage of low-income residents.

Cities generally receive state funds from their respective state treasuries and receive direct grants from the federal government, as well as indirect federal grants that cannot be identified separately because they pass through the state government and become comingled with state aid. Since the District does not receive any state assistance, it is important to make intercity revenue comparisons on the basis of total intergovernmental aid, not on federal grants alone. To do otherwise would overstate the District's dependence on federal monies. Moreover, because the District receives federal grant programs that are provided exclusively or predominantly for state and county governments, as well as grants for central cities, the District's total for federal grants tends to be higher than, but not really comparable with, that of other cities.

Finally, the federal payment itself poses a problem when comparing District revenue with the revenue of cities of comparable size. Because the federal payment is a unique payment rather than a grant program, it is misleading to show federal payment amounts as intergovernmental aid. Some studies include federal payment receipts among own-source revenue because the payment is usually considered to be part user charge and part payment-in-lieu-of-taxes.

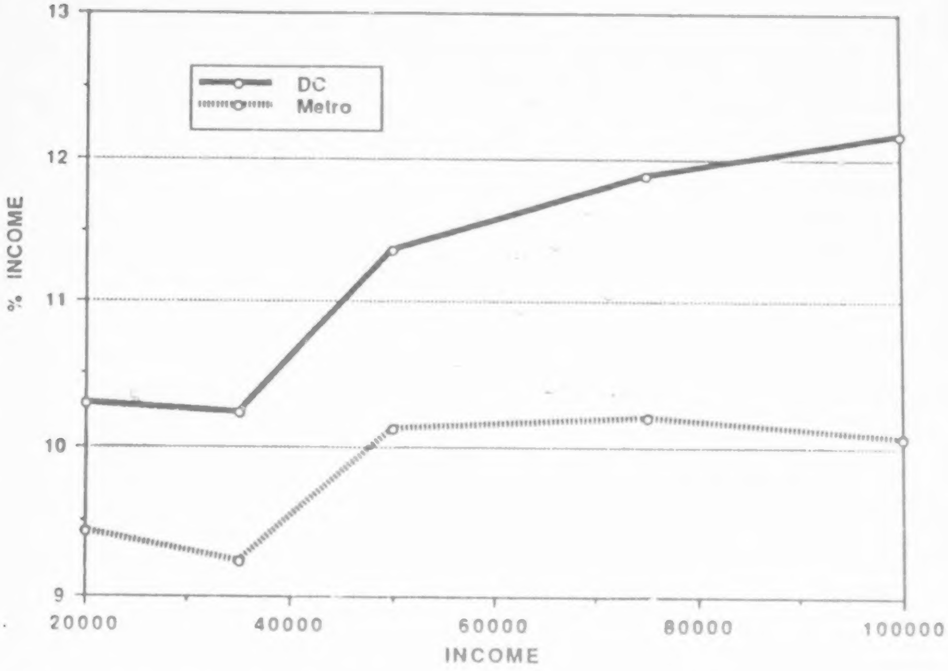
INTERGOVERNMENTAL SOURCES. When District revenue is classified as either that raised through local efforts (own source) or that received from other jurisdictions (intergovernmental sources), the District's reliance on own source revenue is comparable with, if not higher than, that of other cities. To avoid biasing the results, the federal payment was not included in those comparisons. In FY 1986, the District obtained 79 percent of its funds from own-source revenue, while the 50 largest cities as well as the 15 cities with populations between 500,000 and 999,999 (the District excluded) received 65 percent of their funds from own source revenue. The District received (net of the federal payment) a larger share of its revenue from the federal government--about 21 percent of all revenue for the District as opposed to about 9 to 11 percent for the cities described above.

TAX BURDENS. Difficult technical issues also are faced in comparing tax burdens across communities that have different taxation powers at each level of government, different tax rates, and different economic bases on which taxes are levied. To overcome those obstacles, the District has conducted tax-burden studies that attempt to indicate the full state and local tax liability of identical families living in each jurisdiction being compared. Using a hypothetical profile of families in various income brackets, it is possible to compare the taxes a family would pay in each community in the major tax categories: property, income, and sales.

Comparing the total tax burden as a percentage of income in the District and the Washington metropolitan area shows that the District has a higher tax burden at the $20,000 level and above. In addition, the disparity generally grows with higher incomes, reflecting the progressive nature of the District's tax structure (see Figure A-1). Tax burdens by each major

Figure A-1

TOTAL TAX BURDEN: DISTRICT OF COLUMBIA VS. METROPOLITAN AREA, 1987



Source: D.C. Department of Finance and Revenue.

category are given in Table A-3, and the area tax rates are shown in Table A-4. Table A-3 reveals that District tax burdens are generally lower than in the surrounding metropolitan area only for automobiles.

Although the District often is asked to compare District taxes with the taxes of other cities and the taxes of state and local governments, both exercises distort the true picture. Other states' average tax burdens include rural areas with lower service needs and thus underestimate what city residents in other states are paying. Similarly, looking only at city-level taxes in other cities ignores the fact that District taxes really include state taxes and thus overestimates what District residents are paying.

The only meaningful comparisons are between the District total tax burdens and the state and local tax burdens of other major metropolitan areas (see Table A-5). A 1987 study of tax burdens in the District compared with total state and local tax burdens of the largest city in each state showed that the District ranked tenth to twelfth highest, depending on income level. For families with incomes of $35,000, the following cities had higher total tax burdens (in descending order): Newark (New Jersey), Milwaukee, Bridgeport, Portland (Maine), Philadelphia, Detroit, New York, Portland (Oregon), and Providence. At the $20,000 income level, the District's tax burdens were 27.7 percent higher than the 51-city average, and at the $100,000 level, the District's tax burdens were 32.5 percent above the average.

Table A-3
MAJOR STATE AND LOCAL TAX BURDENS FOR A FAMILY OF FOUR RESIDING IN SELECTED WASHINGTON METROPOLITAN AREA JURISDICTIONS (1987 DATA)

		MARYLAND		
TAX	DISTRICT OF COLUMBIA	CHARLES COUNTY	MONTGOMERY COUNTY	PR. GEORGE'S COUNTY
		$ 20.000 INCOME LEVEL		
Income	$ 768	$ 724	$ 749	$ 749
Sales & Use	379	238	238	238
Real Estate	739	555	851	668
Automobile	174	160	160	160
TOTAL	$ 2.060	$1.677	$1.998	$ 1.815
RANK	(2)	(8)	(3)	(5)
		$ 35.000 INCOME LEVEL		
Income	$ 1.516	$1.523	$1.574	$ 1.574
Sales & Use	529	354	354	354
Real Estate	1.354	925	1.418	1.114
Automobile	182	168	168	168
TOTAL	$ 3.581	$2.970	$3.514	$ 3.210
RANK	(2)	(7)	(3)	(5)
		$ 50.000 INCOME LEVEL		
Income	$ 2.696	$2.497	$2.583	$ 2.583
Sales & Use	680	476	476	476
Real Estate	2.014	1.321	2.026	1.591
Automobile	292	243	243	243
TOTAL	$ 5.682	$4.537	$5.328	$ 4.893
RANK	(2)	(8)	(3)	(5)
		$ 75.000 INCOME LEVEL		
Income	$ 4.698	$3.972	$4.108	$ 4.108
Sales & Use	833	606	606	606
Real Estate	3.111	1.981	3.039	2.386
Automobile	266	235	235	235
TOTAL	$ 8.908	$6.794	$7.988	$ 7.335
RANK	(2)	(8)	(3)	(6)
		$100.000 INCOME LEVEL		
Income	$ 6.853	$5.461	$5.649	$ 5.649
Sales & Use	1.038	786	786	786
Real Estate	3.989	2.510	3.849	1.023
Automobile	288	258	258	258
TOTAL	$12.168	$9.015	$10.542	$ 9.716
RANK	(1)	(8)	(3)	(5)

Source: D.C. Department of Finance of Revenue.

AX	VIRGINIA ALEXANDRIA	ARLINGTON COUNTY	FAIRFAX COUNTY	LOUDOUN COUNTY	PR. WILLIAM COUNTY
			$ 20.000 INCOME LEVEL		
ncome	$ 408	$ 408	$ 408	$ 408	$ 408
ales & Use	370	344	344	344	344
eal Estate	1.030	624	796	493	700
utomobile	442	382	423	370	368
TOTAL	$ 2.250	$1.758	$1.971	$1.615	$1.820
	(1)	(7)	(4)	(9)	(6)
			$ 35.000 INCOME LEVEL		
ncome	$ 963	$ 963	$ 963	$ 963	$ 963
ales & Use	504	468	468	468	468
eal Estate	1.717	1,040	1.326	822	1.166
utomobile	579	495	552	472	469
TOTAL	$ 3.763	$2.966	$3.309	$2.725	$3.066
RANK	(1)	(8)	(4)	(9)	(6)
			$ 50.000 INCOME LEVEL		
ncome	$ 1.732	$1.732	$1.732	$1.732	$1.732
Sales & Use	633	588	588	588	588
Real Estate	2.452	1.486	1.894	1.175	1.666
utomobile	1.096	911	1 035	887	881
TOTAL	$ 5.913	$4.717	$5.249	$4.382	$4.867
RANK	(1)	(7)	(4)	(9)	(6)
			$ 75.000 INCOME LEVEL		
Income	$ 2.936	$2.936	$2.936	$2.936	$2.936
Sales & Use	762	708	708	708	708
Real Estate	3.678	2.229	2.341	1.762	2.499
Automobile	1.504	1.242	1.416	1 203	1.194
TOTAL	$ 8.880	$7.115	$7.901	$6.609	$7.337
RANK	(1)	(7)	(4)	(9)	(5)
			$100.000 INCOME LEVEL		
Income	$ 4.176	$4.176	$ 4.176	$4.176	$4.176
Sales & Use	931	865	865	865	865
Real Estate	4.659	2.823	3.599	2.232	3.165
Automobile	1.729	1.431	1.628	1.375	1.367
TOTAL	$11.495	$9.295	$10.268	$8.648	$9.573
RANK	(2)	(7)	(4)	(9)	(6)

Table A-4
SELECTED STATE AND LOCAL TAX RATES IN THE WASHINGTON METROPOLITAN AREA, FY1988

		MARYLAND		
TAXES AND FEES	DISTRICT OF COLUMBIA	CHARLES COUNTY	MONTGOMERY COUNTY	PR. GEORGE'S COUNTY
Real Estate 1/				
Nominal Rate	$1.22	$2.32	$3.23	$2.61
Assessment Level	100%	43.48%	43.48%	43.48%
Effective Rate	$1.22	$1.01	$1.40	$1.13
Sales and Use				
General Rate	6%	5%	5%	5%
Individual	6%-10%	7.25%	3%-7.5%	3%-7.5%
Personal Property*	...	...	...	..
Auto Registration				
3.499 lbs. or less	$45	$27	$27	$27
3.500 - 3.700 lbs.	$78	$27	$27	$27
3.701 - 4.000 lbs.	$78	$41	$41	$41
Over 4.000 lbs.	$78	$41	$41	$41
Gasoline (per gallon)	15.5c	18.5c 5/	18.5c 5/	18.5c 5/

*Effective rate per $100 applicable to private automobiles.

1/Rates shown include the Maryland state real property tax rate of 21 cents per $100 assessed value.

2/Based on National Automobile Dealers Association Used Car Guide average trade-in value.

3/Based on National Automobile Dealers Association Used Car Guide average loan value.

4/Includes $25 state registration fee for vehicles 4.000 pounds or less; $30 for vehicles over $4 000 pounds.

5/Effective July 1, 1987, the Maryland gasoline tax rate increased from 13.5c to 18.5c per gallon.

6/Effective January 1, 1987, the Virginia gasoline tax rate increased from 15.0c to 17.5c per gallon.

-/Plus a 2% sales tax on the total sales price.

Source: D.C. Department of Finance and Revenue.

	VIRGINIA				
TAXES AND FEES	ALEXANDRIA	ARLINGTON COUNTY	FAIRFAX COUNTY	LOUDOUN COUNTY	PR. WILLIAM COUNTY
Real Estate					
Nominal Rate 1/	$1.34	$0.92	$1.32	$0.88	$1.30
Assessment Level	100%	100%	100%	100%	100%
Effective Rate	$1.34	$0.92	$1.32	$0.88	$1.30
Sales and Use					
General Rate	4.5%	4.5%	4.5%	4.5%	4.5%
Individual	2%-5.75%	2%-5.75%	2%-5.75%	2%-5.75%	2%-5.75%
Personal Property*	$4.90 2/	$4.40 3/	$4.57 2/	$4.20 3/	$3.75 2/
Auto Registration					
3,499 lbs. or less	$50 4/	$30 4/	$45 4/	$45 4/	$ 45 4/
3,500 - 3,700 lbs.	$50 4/	$30 4/	$45 4/	$45 4/	$ 45 4/
3,701 - 4,000 lbs	$50 4/	$30 4/	$45 4/	$45 4/	$ 45 4/
Over 4,000 lbs	$55 4/	$35 4/	$55 4/	$50 4/	$ 50 4/
Gasoline Tax					
(per gallon)	17.5c 6/ 7/	17.5c 6/ 7/	17.5c 6/ 7/	17.5c 6/	17.5c 6/

*Effective rate per $100 applicable to private automobiles.

1/Rates shown include the Maryland state real property tax rate of 21 cents per $100 assessed value.

2/Based on National Automobile Dealers Association Used Car Guide average trade-in value.

3/Based on National Automobile Dealers Association Used Car Guide average loan value.

4/Includes $25 state registration fee for vehicles 4,000 pounds or less: $30 for vehicles over $4,000 pounds.

5/Effective July 1, 1987, the Maryland gasoline tax rate increased from 13.5c to 18.5c per gallon.

6/Effective January 1, 1987, the Virginia gasoline tax rate increased from 15 cents to 17.5c per gallon.

7/Plus a 2% sales tax on the total sales price.

Table A-5

TAX BURDENS IN D.C. COMPARED WITH THE AVERAGE FOR THE LARGEST CITY IN EACH STATE (BY INCOME CLASS), 1987

	$20.000			$35.000		
	D.C.	51 City[1] Average	Percent Difference	D.C.	51 City[1] Average	Percent Difference
Income	$ 802	$ 418	91.8%	$1.795	$1.016	76.7%
Property	731	734	-0.5%	1.291	1.272	1.5%
Sales	379	393	-3.5%	529	549	-3.6%
Auto	174	193	-9.8%	182	237	-23.3%
Total	$2.086	$1,634	27.7%	$3.797	$2.861	32.8%

	$50.000			$75.000		
	D.C.	51 City[1] Average	Percent Difference	D.C.	51 City[1] Average	Percent Difference
Income	$2.759	$1.819	51.7%	$4.734	$3.116	51.9%
Property	1.892	1,873	1.0%	2.893	2.864	1.0%
Sales	680	705	-3.5%	833	864	-3.6%
Auto	292	394	-25.8%	266	522	-49.0%
Total	$5.623	$4.436	26.7%	$8.726	$6.793	28.5%

	$100.000		
	D.C.	51 City[1] Average	Percent Difference
Income	$ 6,882	$4,510	52.6%
Property	3,694	3,637	1.6%
Sales	1,038	1,078	-3.7%
Auto	321	596	-46.2%
Total	$11,935	$9,007	32.5%

[1] Average of cities actually levying tax

Source: D.C. Department of Finance and Revenue.

OPENING REMARKS OF COUNCIL CHAIRMAN DAVE CLARKE

Mr. **Clarke**. Various measures were taken by the Mayor and the council to reduce the personal services budget both in the fiscal year 1989 supplemental budget and in the fiscal year 1990 budget.

In the fiscal year 1989 supplemental, the Mayor proposed adjustments to the personal services budget through the following measures: the reduction of 1,273 positions in the agencies under his control, excluding police, fire, and corrections; a savings of $14 million to be achieved through a 7-day employee furlough; a savings of $10.4 million to be achieved through early retirements, and he estimated that the District would save $10.4 million in fiscal year 1989 as a result of a 20 percent acceptance of early outs; a reduction of $6.4 million to reflect a decision to not renew 50 percent of all term employees and 75 percent of all temporary employees as their appointments expire; and the salary lapse at $2.4 million.

The council rejected the request for an employee furlough, feeling that it was better to restrict hiring than to penalize those who have already been hired. But it did support the Mayor's proposals to eliminate positions, to save through early retirement and to allow for a salary lapse. However, the Council increased the salary lapse estimate by $2.1 million to reflect a 2.5-percent lapse rate, saving a total of $4.5 million.

In short, the council acted not to cut back on contracts negotiated by current employees, but to cut back on the hiring of new employees. In addition, the council approved the measure in the fiscal year 1989 budget to reduce the total number of full-time positions above grade 10 by 318.

With respect to the 1990 budget, the Mayor proposed a $6.4 million savings to be obtained from not renewing a portion of the term of temporary employees, a $2.4 million savings through salary lapse, and a $10.4 million savings for early-out retirement.

The council added to that a series of steps to further reduce personnel expenditures in the fiscal year 1990 budget through the following additional changes: The council increased the savings to be realized through early-out retirement by $5 million, which would cause the positions vacated to be held open; in order to place the limit on hiring, the council included language in the budget act stating that the executive branch limit new hiring in agencies under the control of the Mayor, excluding the Police Department—I might add—to positions which are to be filled by present employees currently at the same grade or higher unless the city administrator certifies to the council on a monthly basis, that a position is necessary for the fulfillment of an identified essential governmental function and cannot be filled from within government.

As a result of this hiring freeze, the council increased the savings required through salary lapse to reflect the 2.5-percent lapse rate.

Now I point all of that out to show, especially to Senator Gramm, who has raised, I think, some legitimate questions, that the council has been trying to look within its own budget—the city's budget—to find the moneys to pay for these police officers.

I would point out, Senator, that we have had some confusion, I think, in this discussion between the 1989 budget, the 1989 supplemental request, and the 1990 budget. In the 1989 budget, which has already passed the Congress which is in law right now, the council added 200 police officers. That brought the total authorized strength to 4,055. That is the base upon which further discussion has preceded as to how much further we are going to go.

So when the chief spoke of a need of 700 more police officers, he was talking about 700 on top of the 4,055, on top of the number that already included the 200. That 200 was an initiative taken by the council, an initiative which was funded without a tax increase and an initiative which was funded without a request for special appropriation from Congress. That was part of the 1989 budget and is already in place, and those officers are being hired.

In the 1990 budget, the council increased the number by 300, and if taken alone without anything else, that would bring the authorized strength to 4,355. Again, this increase was financed through the sequential steps that the council goes through by cuts within the budget. It was financed by the extension of the early out. It was financed by the hiring freeze that I spoke of before, and it was financed by other cuts within the budget.

The tax increase that is part of this budget was not discussed until later in the council process, and was basically for financing other things that are in that budget.

Looking, Senator Gramm, at the current 1989 budget, which is already approved and under which we are operating, and the growth from that through the supplemental request and into 1990, the whole budget grows by 8.4 percent, and that part of it which is designated in public safety and justice grows by 13.5 percent.

I would point out, however, that there are things in other parts of the budget which bear directly upon the problem that we are having, most particularly the alcohol and drug abuse treatment programs, which the Mayor had proposed to cut in the 1989/1990 budgets, but which the council, instead, increased, and again financed as part of that adjustment within the budget itself. We increased that by $2.7 million, and that budget is approximately $30 million for fiscal year 1990.

I am going to try to cut out a bit here for you.

TAX INCREASE APPROVED BY THE COUNCIL

Now, as I said, the council did include a tax increase. That tax increase was primarily for reducing the property tax rate, which would have been $1.22 per $100 of assessed value on class I properties—that is home-owned properties in the District of Columbia—to $1.06. It was for an increase in the public school system; $4 million had been provided by our committees. The council added $16 million to that, and it was to increase the amounts set aside for retirement of the general fund deficit. There is $19.5 million in the fiscal year 1990 budget for that purpose.

NO GROWTH IN THE FEDERAL PAYMENT

One problem that continues, which the Mayor has mentioned in his testimony, is the question of the Federal payment. I understand it is going to stand at $430.5 million. That is 14 percent of the budget. I really do not know what that means too much. We have been up here arguing that for years in saying, "Gee, it's only *x* percent of the budget." And that is true. It is only *x* percent of the budget.

I think the more realistic measure, Senators, is what percentage is the Federal payment of that which the Federal Government would have to pay if it were a corporate taxpayer paying taxes on its property at the rates that our businesses have to pay, and if it were paying the income taxes, which the Federal Government has exempted from our taxation by virtue of the commuter tax prohibition and other prohibitions?

And the cost of that is $1.4 billion. Measured as a percentage of that, the Federal payment is about 29 percent, and it has not been changed over the number of years.

Now, there has been some discussion of the Fauntroy initiative to provide for 700 police officers by the Federal Government. The Mayor is correct. A meeting was held between his representatives, Congressman Fauntroy, myself, and some other members, and we thought, after coming from that meeting, that a better procedure would be if the Congress were to grant or pass the Fauntroy bill, either directly or by increasing the Federal payment to pay for the 700 officers, to then have another supplemental budget come through, and this is important in terms of my speaking to the council members because the supplemental budget means it comes back through us.

To use the money that we had set aside for the 300 for other law enforcement initiatives associated with those police officers.

MAKING AVAILABLE OTHER FEDERAL POLICE OFFICERS

I want to address two other issues. I am off of my printed testimony. I want to address two other issues that have come up. One is, Senator Adams, I want to thank you very much for the suggestion that you made at a prior hearing which I immediately endorsed and which the Mayor has subsequently followed up on, for making available the Park Police, the Capitol Police, the White House police, and if you want to throw in the zoo police, we will take them, too, to try to address the particular problems that we have on the streets.

Now that is not to be too funny. The zoo police can direct traffic, and if they direct traffic, our police officers, who are trained to deal with some of the more complex problems will be free to deal with those. And I thought that was an excellent suggestion, Senator, and I hope that it is followed up on because it is going to take some time to get these personnel that we budgeted on board.

HYBRID COURT SYSTEM IN THE DISTRICT

The other thing, although—he is not here—Senator Domenici particularly addressed me, and I would like to, therefore, give a particular answer as to the process and why the apparently holistic approach that we have here, exclusive jurisdictional approach that we apparently have, does not seem to work. And my answer is that it is, in fact, a hybrid process.

If a person goes out and breaks a law, he most likely breaks a law that has been written by the council of the District of Columbia or is under the council's legislative concern. He is arrested by a

D.C. police officer. He is taken to the U.S. attorney, who then determines what to prosecute him for. The U.S. attorney also determines what bail to request.

Now we have passed in the council of the District of Columbia some of the strongest bail laws in the country. We have preventative detention here. We now have, by virtue of the Mayor, a bill the Mayor submitted, we had passed, a rebuttable presumption of danger to the community that operates against the defendant. That may be unconstitutional, but we will just have to have that tested.

In the case of armed drug dealers we have that available to us. If the person comes in and he is an armed drug dealer and he is charged with that and the U.S. attorney asked for, there is a rebuttable presumption that no condition of release will adequately assure the safety of the community in our preventative detention law. But the U.S. attorney must ask for it. The U.S. attorney must make that request and present his case before a judge who is appointed by the President of the United States and is paid for by the taxpayers of the District of Columbia, and whose procedures we are exempted from legislating upon.

And he is sentenced by that judge. He is sentenced to the custody of the Attorney General of the United States who then determines what institution to assign him to, and if the person is a male defendant, then he is probably assigned to the D.C. Department of Corrections. So they come back to us.

That is an extremely complex and hybrid system, and I have asked for previously, and I will be glad to submit to this committee, if it wishes, a copy of the correspondence in which I have asked the Congress to adopt legislation requiring all elements of the D.C. criminal justice system to come together—and the reason I want you to do it rather than we do it ourselves is because the U.S. attorney, the Attorney General of the United States and the superior court judges do not have to listen to my legislation—to come together to develop a comprehensive public safety plan that has as part of it some realistic projections of future incarceration so we know what kinds of needs we are going to have in the future in terms of the development of prison capacity and those kinds of things, that legislation has never even been introduced. Someday, I hope that it will.

But the system is not exclusive. It is hybrid, and it does break down to some extent because of this hybrid character.

I thank you for the opportunity to present this testimony.

SENATOR ADAMS' VIEW REGARDING HYBRID COURT SYSTEM

Senator ADAMS. Thank you very much, Mr. Clarke, Mr. Mayor.

I want to address that first point that both of you have made with regard to the hybrid system. All States, counties, and cities have a hybrid system. The city of Seattle, for example, has a municipal police force, a county prosecutor who is separately elected, a State government incarceration system which is State prisons, and, therefore, you have a county prosecutor who is elected deciding whether or not they wish to incarcerate a particular person who has been arrested by the police force.

So you have, actually, less here because there is also a U.S. attorney there, and the U.S. attorney and the Federal agents and so on can decide the same way.

Now the reason I mentioned that is because when we were drafting this bill for D.C. home rule—I was chairman of that Constitutional Subcommittee—we were trying to pattern the city's various portions in as modern a fashion as possible, but with these same divisions, but we did not want to have an elected prosecuting attorney, and there was a big argument about that because that seemed to be another very difficult way of putting somebody in place, and they did not want them appointed because, Mr. Mayor, they were afraid of the power of an executive, and in certain areas you do have appointed attorneys.

But the bifurcated system exists in many places. What we are really trying to do here is to make this system work better and then take pieces of it. It may be that there is a different way of handling the prosecution and then having the U.S. attorney's office do it with a separate section and so on. I might also indicate, Mr. Clarke, that in many States, the judges, like my own, are elected. And this is not proven to be a necessarily good system.

We suggested for the District at one time the so-called Missouri system where you were in for 6 years and then the bar association looked at you, and if you were not good you went up for being examined again. If not, you were in for life.

So I want you to understand that every kind of a judicial system was examined here, including elected, appointed—there was some question about whether he would be appointed by the City Council, and people did not quite want to do that. So instead of electing him or appointing him for a term, we left it to the presidency.

Now I am certainly willing, and I am sure the members of the Senate and the House will be willing to consider specifics. But that bifurcated system exists in many places. The reason I have given that little bit of background institutionally is the question I want to ask.

How well or how badly it works—and we do not want to micromanage the District, I do not want to micromanage Seattle, I am sure you do not want to micromanage Houston—we have a lot of other things we want to do.

We have a responsibility here to pay for the Federal services that you have outlined, and everybody lives here, this is a Federal city, so we take that responsibility very seriously.

STATUS OF THE NEW CORRECTIONAL TREATMENT FACILITY

But my first question, and the questions that I have been asking in these three hearings is, what are we doing on the ground here? Have we, for example—we walked out of this last committee hearing and because you had heard, or there had been passed, that we were against the 500-bed hospital, we passed a sense of the Senate resolution, 98 to nothing, which is in the bill and on the way, saying it ought to be built.

Is it being built?

Mayor **Barry**. Senator——

Senator **Adams**. We referred to it as beds. The prison that was—Senator Specter came and made a speech about it. The money has been appropriated and so on. Is it being done?

Mayor **Barry**. No; the sense of the Senate resolution, we think, will help us at our hearing on May 18 before the judge.

Again, Senator Adams, let me——

Senator **Adams**. I understand that there is an injunction, but you have answered what I really wanted to know, Mr. Mayor. In other words, the Mayor of this city and the council have moved now on this and you are having to have a decision by the court on this, and either appeal or it will be granted; is that right?

Mayor **Barry**. Yes; we are in the Circuit Court of Appeals for the District of Columbia.

Senator **Adams**. Yes; I am familiar with that court. We do have a separate appellate court system, as opposed to the circuit court system. You are directly up from the Superior Court of the District of Columbia here, before the D.C. Court of Appeals; correct?

Mr. **Clarke**. No; this was a Federal court action.

Senator **Adams**. You are in the Federal court? All right. You are before the circuit court here then; correct?

Mr. **Clarke**. The argument on the prison by the opponents is that it violates Federal law, and so the action was in the U.S. District Court and is now before the U.S. Circuit Court.

Senator **Adams**. Well, the reason for my question is, I am just trying to put the finger on the point of where and what has to be done. As Senator Gramm says, maybe we ought to be changing the Federal law. We just want to know the things that are being done, the responsibilities that we are required to carry out at this committee, as compared to those you have done.

And so, you are going in to try to get that prison?

Mayor **Barry**. In the meantime, Senator, while that is going on, we are working on developing 500 new beds down at Lorton by reconfiguring some of the facilities to either double-bunk people or take space that was not used for prison space.

At the same time, we have about 800 D.C. residents in States, such as Washington. The Seattle plan did not work because I do not think they understood these prisoners. But the State of Washington now has taken over our prisoners. The State of Texas has taken some.

THE TROUBLE WITH THE BIFURCATED JUDICIAL SYSTEM IN THE DISTRICT

But I would like to get back to the other point about the bifurcated system. There was no effort to speak disparagingly on those of you who worked hard on getting us to where we are.

But the big difference, in Washington, with the county prosecutor, that the mayor of Seattle, Chuck Lawyer, and the citizens of Seattle have a chance to elect the prosecutor, which means they can say, we do not think your judicial temperament—I mean your priorities are right, whenever it comes up.

Whereas here, we have no say at all about those priorities. Even if you elect judges, that does give the citizens the chance to voice their opinions. I am not sure that electing judges works, but at least you have a chance to have some input.

Whereas we are saying here, outside the goodwill of the U.S. attorney and the city government and their relationships, there is no pressure on trying to help determine the priorities or determine the programs of a prosecutor.

Senator **Adams**. But it is my understanding now, because we have had the prosecutor before the committee, we have had the chief judge before the committee, and we understand that all parties are in agreement on attacking the problem on the streets, the homicides, the crack, the first line—and believe me, I know we have talked an awful lot about police. I know that the treatment centers and the other programs are the solution to this, but right now, we are trying to get the streets back.

They are putting on more people. The judge said that he was setting aside judges. So, I just want to know if you have—either of you or any of you—had the feeling that you are not getting cooperation, as the police are picking people up, and running them through the system?

Mayor **Barry**. Mr. Chairman, it is no criticism of the U.S. attorney's office, but in terms of the practical impact of this, we do not see the U.S. attorney's office asking for preventive detention, asking for no bond, asking for no bail for those who are arrested with guns while committing a felony. We have not seen that.

Senator **Adams**. Senator Gramm, you wanted to ask?

CHANGES NEEDED BY THE U.S. ATTORNEY'S OFFICE

Senator **Gramm**. Mr. Mayor, let me be sure I understand.

Tell me exactly what you want this prosecutor to do that he is not doing, because maybe we can find a way to reason with him that you cannot. What do you want him to do?

Mayor **Barry**. I do not want to make this personal.

Senator **Gramm**. No; I know. I am talking about an office, not a person.

Mayor **Barry**. Well, it seems to me that there are some people in this town who are more dangerous than others. What I would like to happen is, as the Metropolitan Police Department arrests people with guns while committing a felony, that the U.S. attorney ask that those persons be held in jail until their trial comes. That is one step.

Outside of the *Rayful Edmund* case, those major cases, we would like for some of those mid-level drug dealers to be held in jail in preventive detention until their trial.

Senator **Gramm**. Let me ask you a question.

Is the reason that they are not being held in jail that you are under these Federal—these court rulings concerning overcrowding?

Mayor **Barry**. No.

Senator **Adams**. It is just a failure of the U.S. attorney to ask that they be held in jail?

Mayor **Barry**. Senator, we will find space for people who ought to be held in preventive detention or without bond.

Mr. **Clarke**. Senator, I would like to clarify my comments earlier. I did not mean to be assaulting the character or the contents, rather, of the Home Rule Act. I certainly am aware of your great work in that, Senator Adams.

Senator **Adams**. I am not sure that is great work at all. I am just comparing the fact that these systems are similar and Senator Gramm and I are trying to find—we are looking under each one of these shells to find out where it is—and I hear this in other cities, too. In other words, I hear this in my home city and elsewhere, and this is a dedication of individual people that are in the field, and that is why Senator Gramm asked the question, if it is not happening.

Now, you were about to say that you are not getting cooperation or you are getting cooperation?

Mr. **Clarke**. I was not trying to say that at all. That is what I wanted to be very clear about.

Senator Domenici had addressed a comment to me very early when he was here, in which he said that the District of Columbia had an extraordinary opportunity because of its exclusive control over the criminal justice system. And the comments that I was making were saying that just like, as you have pointed out, in other jurisdictions, there is a hybrid system. There is also a hybrid system here.

The reason that I made the point that I made was to address the point that had been made to me by Senator Domenici, that we had an exclusive system here when, in fact, we have a hybrid system just as you do and he does and everybody else does.

Mayor **Barry**. Mr. Chairman, understand that. I want to make it clear because I know how the media sometimes plays this. In terms of the U.S. attorney's office, the U.S. Attorney Jay Stephens and the city government have an amicable relationship. We get along very well. But in terms of facts, we would like to have more preventive detention and more no-bond requests of certain persons who are in our system.

Senator **Adams**. And that, I think, is very direct and to the point and that is what I wanted to hear. That is what these hearings, Mr. Mayor, are for and if we do things right and we keep trying, we are going to solve this problem. If we all stand back and say and do nothing, it is not going to go away. So, that is fine. That is what we want to know and we will follow up on that.

Mayor **Barry**. To make sure, we are contracting with prisons around the country and we do not want any criminal to get the idea that the space is a way of getting out of this system. We will contract where we find people to take people, and we still have some parts of our system that are not under court-ordered caps that we will put people in, in different places.

Senator **Adams**. Now, I am sorry, Senator Kerrey. I did not see you arrive. Did you wish to make an opening statement or join in at this moment?

Senator **Kerrey**. No; I have questions, but I will wait.

Senator **Adams**. All right. I will be right to you in just a moment.

OPENING OF TWO NEW DRUG TREATMENT CLINICS

Before I go to Senator Kerrey—and I will be back to you, Senator Gramm—in your testimony last year, you noticed that two new drug treatment clinics would add 500 slots and they were supposed to be opened in 1988, they have been delayed and will not be open now until 1989.

Are those clinics operating? You see, where we are going, Mr. Mayor, there is this place. I go home and I go through this—I start at the Police Department and go clear through the treatment centers and then I form an impression. Maybe I am right or maybe I am wrong, but I have an impression. I am not going to do that here until I have some idea of facts.

Were those centers opened?

Mayor BARRY. No.

Senator ADAMS. Why not?

Mayor BARRY. In one instance, in ward 8, we have had just a quagmire of political opposition. The councilwoman from that ward disagrees with where we want to put it. In other instances, citizens have just rebelled and come out in large numbers and said no. We are breaking ground in about 25 or 30 days for the ward 7 clinic. We have resolved the citizens' concerns and we now have a contract for that clinic.

In the meantime, we just extend the hours of our existing clinics to make sure that we reduce the waiting list from about 13 weeks down to 2 weeks.

WAITING PERIOD FOR DRUG TREATMENT

Senator ADAMS. If somebody comes in and wants treatment, it now takes 2 weeks?

Mayor BARRY. There are several kinds of treatment.

Senator ADAMS. I understand. Let us break it down just quickly.

At the detox centers, you have got your treatment centers. How long for your detox centers, both drugs and alcohol?

Mayor BARRY. Pregnant women can get treatment on demand.

Senator ADAMS. OK.

Mayor BARRY. Mr. Chairman, in terms of detox, it is about 2 weeks or less. For outpatients, it is on average about 7 to 10 days. We intend to even consider opening our clinics on additional days—Saturdays. Some of them are open 7 days a week, but again, you have faced this before. The community talks about drug treatment and all this rhetoric, but when you want to put one in their community, they say no, and you keep battling that fight.

For detox, we are down to 2 weeks or less; for outpatients it is an average of 10 days. We do have a serious problem with inpatient facilities—one in terms of the capability of people to run them because it is just a new area that is expanding rapidly—and space to put people in.

But one of the good things we have here is that pregnant women can come in and get treatment on demand. We have one of the model clinics at D.C. General. There is no other city that has this kind of clinic where pregnant women can come in and they are detoxed and they are treated instantly, on the spot.

Mr. Chairman, let me also say that one day, you and I ought to go out to D.C. General along with other members of the committee to see some of these babies that are born addicts. It is a heartwrenching experience. That is why we have put a lot of emphasis on pregnant women.

We have a mobile van that goes around to communities and people can get treated, get examinations, and prenatal care on the spot, and get physicians' recommendations for certain medicines you can take. So, at least we have solved that problem of pregnant women.

The big problem is getting women who are pregnant to stop using drugs. We had 58 babies in the nursery about 3 weeks ago and 50 of them—50 out of the 58—had some problems of having been born——

Senator ADAMS. Mr. Mayor, we will plan to do that and I agree with your analysis and comments.

Senator Kerrey, did you have some questions—or I can go to Senator Gramm first. I want to be——

Are you prepared now? Senator Gramm is prepared to go ahead, but you have not had a chance to question yet.

Senator KERREY. Have you asked all sorts of questions already, Senator?

Senator ADAMS. Oh, yes.

Well, Mr. Mayor, we will plan to do that; and I agree with your analysis and comment.

Senator Kerrey, did you have some questions, or I can go to Senator Gramm first? Are you prepared now? Senator Gramm is prepared to go ahead; but you have not had a chance to question yet.

Senator KERREY. Have you asked all sorts of questions already, Senator?

Senator ADAMS. Oh, yes.

Mayor BARRY. Senator Gramm has not gotten started yet. He has about 15 pages. [Laughter.]

Senator ADAMS. Senator Kerrey, why don't you go ahead; and then I will go to Senator Gramm?

OPENING REMARKS OF SENATOR KERREY

Senator KERREY. Mr. Mayor, this is a bit in a different direction. I am just trying to get a sense for your economic base—where it comes from, what you see for the future. I understand from your testimony, reading your testimony yesterday, that you have got a forecast of less revenue than what you have had in past years. And I am trying, as well, to get an understanding of what you see in the future for the District of Columbia, in terms of private sector development.

I notice, in your foundations for your budget, that you indicate 37 percent now come from some services. Do you expect, or do you see, expanded business opportunities for the District; and do you have a strategy in mind to develop those opportunities?

Mayor BARRY. Senator Kerrey, we have been fortunate in the last 10 years to have experienced unprecedented economic growth in Washington. Our unemployment, as of today, is the lowest it has been in the last 18 years; in fact, it is below the national average. So we foresee continuing low numbers for unemployment rates, primarily because we are working with the suburbs to get additional D.C. residents employed.

We have had a commercial property boom that has gone from about $3 billion of assessed market value to about $20 billion. Obviously, as the land gets developed, they are slowing down. And we see a couple of percentage points of rate of growth decreasing.

The big problem is not our economic growth. It is the public safety and human service areas that are consuming increasingly larger and larger amounts of money. If we did not have this crack drug epidemic, if we did not have this disproportionate amount of poverty, our normal, natural growth would be sufficient.

For instance, in 1990, we expect to raise $2.63 billion from local sources. That is a 7.5-percent growth from 1989—and Senator Gramm and I were talking about this once, whether or not that was real growth or inflationary growth. I think we are talking about between 2.5 to 3 percent in real growth. And we think that is going to hold up.

THE PRIVATE SECTOR SERVICE INDUSTRY IN THE DISTRICT

Senator **Kerrey**. But what does the private service industry in the District look like? Can you describe it to me?

Mayor **Barry**. The largest employer in the District, obviously, is the Federal Government.

Senator **Kerrey**. I am talking about the private side.

Mayor **Barry**. The private sector service industry is growing. We have some 91 hotels. Is that the area you are talking about?

Senator **Kerrey**. Yes.

Mayor **Barry**. We have some 91 hotels, with over 20,000 rooms; another two coming on line. The service industry is our fastest growing industry in Washington, outside of the commercial development area. We also are working diligently to keep associations here. We have some 3,000 associations in the metropolitan area, with most of them in Washington. We have an association-retention program.

Our convention center, which was built in 1982, has outgrown itself. We are now turning away conventions; and we intend to explore the possibility of building a new convention center. We think we have a unique plan to do that without public funds, where we take the money from what is above the ground to pay for what is underground. We are thinking about it in terms of the convention center.

So we see continued growth in the service area, continued growth in the tourist area, continued growth in the—less of a rate of growth—but continued growth in the personal income area; because more and more people of higher incomes are moving back into Washington.

In 1979, I think we had about 400 people whose income was over $200,000. I think we now have 4,500. So we have that growth.

Am I getting at where you are asking about?

Senator **Kerrey**. You are describing it. I am trying to get a sense of what your private service industry is; and you are describing it principally as hotels, motels, restaurants; is this the extent of the private service industry in the District?

Mayor **Barry**. Yes.

Senator **Gramm**. And lawyers.

Senator **Kerrey**. And what, lawyers, Senators?

Mayor **Barry**. And lawyers. We have 44,000 lawyers.

Senator **Gramm**. And consultants.

Mayor **Barry**. Consultants. That is all the service industry.

STRATEGY FOR INCREASING THE PRIVATE SECTOR SERVICE INDUSTRY

Senator **Kerrey**. But is there a strategy? Do you have a strategy to act upon that and try to increase it, or is it just increasing on its own?

Mayor **Barry**. Oh, no. We have a strategy. We have a business-retention strategy. We have tried to streamline the D.C. government to make it easier to do business here. To give you an example, 5 or 6 years ago, if you wanted to build a building here, you had to fill out 44 different forms, and go to 10 different places.

Now, you fill out four forms in one place. We do have a strategy. We are working with developers. We are working with associations. We are working with the hotel industry. We are working with the tourist industry.

There is another major resource here that we have that we have not taken advantage of; and that is the health care industry. It is one of our major industries in Washington. And our college educational community is another major industry in Washington.

In fact, after this hearing, I am meeting with the college presidents—hopefully, I can do it at 12:30—to talk about how the 100,000 students who are here in over 30 universities and colleges can also become part of our economy in a more integrated way.

We do not have any manufacturing here.

Senator **Kerrey**. About 3 percent?

Mayor **Barry**. About that much.

Senator **Kerrey**. No strategy to develop manufacturing further, though; is that right?

Mayor **Barry**. We have a strategy. We have an industrial park, which is at Northeast Washington. We have attracted, already, two significant businesses. We have a strategy to develop along New York Avenue, from Florida and New York Avenues going out to the Maryland line. If you were to go to Florida or New York Avenue, you will find a clear amount of area. Federal Express is going to build a major facility there. We were able to convince them to come to Washington.

And so we are out recruiting businesses everywhere we can find them.

COMPARISON OF PROPERTY INCOME AND SALES TAXES WITH OTHER JURISDICTIONS

Senator **Kerrey**. How do the property income and sales tax of the District stack up against other locales—I mean, neighboring locales across the rivers?

Mayor **Barry**. The property tax rate in Washington, in the residential area, is lower than some of our surrounding counties. The commercial property taxes may be a little higher. The sales tax is about the same, I think.

COMMITTEE'S ASSISTANCE TO PROMOTE PRIVATE SECTOR INDUSTRY

Senator **Kerrey**. Mayor, the final question really is to get at whether or not there are things that this committee can do to assist in the strategy to increase on the income side; I mean, strategies that you have to promote on the income side that we can be a part of as well.

Mayor **Barry**. Well, let me think about that, Senator. I certainly appreciate the offer. This is a new area of environment on the part of the Congress which has mostly been oversight. But let me think through some suggestions I can make; and I do not want to just make them off the top of my head, because I feel that would be irresponsible to do.

But let me get with our economic development people, and maybe get with you and other members of the committee and suggest some ideas that you can help. We want to keep as many businesses in Washington as we can, and attract new business. Obviously, we are landlocked; and we do not have the same kind of ability as Fairfax County to attract a Mobil Oil or a major company like that. But there are certain kinds of companies that we can contract with.

There are other areas, Senator Kerrey, that we have been working very diligently, in international banking. We think we can attract a significant amount of international banking to Washington. Again, not a major job supplier; but again, it gives us another economic anchor here.

Senator **Adams**. Senator Gramm?

COMMITTEE ASSISTANCE ON PRETRIAL DETENTION AND BUILDING NEW JAIL FACILITY

Senator **Gramm**. Thank you, Mr. Chairman. I just want to cover three quick points, and then I am going to try to go to another luncheon while you go to yours, Mr. Mayor. First of all, let me say that I intend to meet with the U.S. attorney and ask why we cannot institute a policy—if people are arrested on felony charges and they have got a firearm—why we cannot institute a policy that they do not walk until they go to trial. And hopefully, they end up going to prison.

I do not understand why we cannot do that. I do not think we ought to accept it. And let me assure you that if we cannot get it done in that way, I am willing to have provisions in our appropriation that say, in the District of Columbia, for felony charges where the accused has a firearm, that they do not go free, or they do not go out on bail, until they have gone to trial.

So I think this is exactly the kind of thing we need to get at. And in terms of the prison, I realize that you are in court determining what violation may exist to Federal law; but we write the Federal law here. And I think the bottom line is, we want to build this prison.

The Members of the Senate said, 98 to 0, that they wanted to build it. So if there is a problem in the Federal law, then I think we need from you suggestions as to how that law can be changed so that we eliminate the violation in the Federal law.

I was down at a meeting the other day about our new prison and violent crime bill. And some guy kept saying, "Well, we have got a problem here with all these overlapping jurisdictions—the Defense Department, the Justice Department." The American people do not care about those overlapping jurisdictions. They just want something done.

So if you will give us more information like the kind of precise points you have been making today, I think we can do something about it. Whatever we have to do to build that prison, I am willing to do it. Now maybe in the final analysis, the Congress will not go along. But if we do not give them the chance to, they are never going to.

Finally, the point I was trying to make about the budget is, I think, a very relevant point in terms about what this committee is going to be able to do, in terms of helping. We have now adopted a budget in the House and Senate that calls for a 3-percent growth in Federal spending.

Once that budget is adopted in the same form in both Houses—and at 2 o'clock this afternoon, we are meeting to work out the differences, and they are not very big—then the Appropriations Committee, which this committee is part of, is going to allocate the money.

Now obviously, in terms of competing for available resources, one of the things that will clearly be looked at is what are you doing about your own problem? What kind of priority have you set on the problem yourself? What are you doing, as Mr. Clarke talked about, in terms of the proposal last year, where you basically reprogram funding for 200 police officers.

And let me say, Mr. Clarke, that I agree with you. I think furloughing is a bad policy. For one thing, it is a temporary policy. I mean, if you are going to make a permanent reallocation to law enforcement, are you just going to furlough people every year? I mean, at some point, it seems to me, you say we have got too many people scrambling around here doing function A, and we do not have enough people doing function B; so maybe we are not going to lay people off; but when this guy leaves, we do not hire anybody back in function A, and we hire somebody in function B.

I guess my advice being, the more you can do of that, the more you show that you are doing heavy lifting in terms of trying to fund more in the area of law enforcement—and Mr. Mayor, do not get me wrong—I agree with you that education and rehabilitation are critically important. But I do not think any of those things are very relevant where we have a situation where we have tremendous violence on the street. I think that, until you get those criminals off the street and into prisons, until you do that, you cannot go back and try to clean up the mess.

If they are getting people addicted faster than we can rehabilitate them, then we are sort of on a treadmill. As you know, having read the paper, the White House is now working on a prison reform package, trying to do some things, looking at housing people on military bases, both closed and operating military bases; that, interestingly enough, was the subject area where I got all this bureaucratic falderall about overlapping jurisdictions.

And we are looking at a building program for prisons. But what we have got to do is to get—we want you to build your prison—we want the Federal Government to build more prisons. And maybe in all that effort of getting the U.S. attorney to change policy, or write it into law, either getting through this dispute about the prison or changing the law to eliminate the dispute, then you build your prisons, and we build more Federal prisons so you can send people to Alaska or out in the desert somewhere to wise up.

If we can do all those things, we can start dealing with this problem, and those are just basically, Mr. Chairman and Mr. Mayor and Mr. Clarke, the points I want to make.

COMMITTEE WANTS TO SEE ACTION ON PART OF DISTRICT GOVERNMENT

I think it is fair to say people on this committee want to help. We are not here to criticize, but the point I am making on the budget is: The more you do, the more we are going to be able to do to help you. It does not work the other way around. You have got to demonstrate that you are willing to do more to make it possible for us to do more. The more you do on this prison, the harder you push, the easier it is going to be for the chairman and I to do something.

But if the excuses always are going to be, "Well, look, the District of Columbia has not done anything. We put up the money several years ago. They do not seem to view it as a crisis. Why should Senators from other States view it as a crisis?" That is where we run into problems, and so the more immediacy, the more you push on these things, the more we will be able to help you, and that is basically the point I am trying to make.

MOVING AHEAD WITH CORRECTIONAL TREATMENT FACILITY

Mayor Barry. Senator, let me just say that nobody wants this correctional facility built any worse than I do.

In 1986 when I was running for reelection, I made the decision that cost me politically to put the prison where we proposed to put it out here in ward 6 behind our new jail. A lot of my supporters who live in that area refused to support me for reelection. Now, that is a tough decision to make.

We made it. We withstood all of the heat from it. We had a competitive bid, a fixed contract. We got four or five bids in, and we took the best bid, the most responsible bid. We signed the contract by October 15, 1986, and moved full-steam ahead to clear the land. Then the citizens got involved. Senator Harkin got involved, he wanted to look at it for another 9 months.

So rest assured that both the City Council and the Mayor—particularly the Mayor, because the City Council members were mostly opposed to any place in the city, understand that, but I took it, and bit the bullet.

We are looking at other sites to go to. We have a group of our citizens who live in ward 8, which is in Anacostia, looking at sites in ward 3. Now those are politically dangerous kinds of moves, Senator Gramm, but I am doing them, and I hope that the May 18 court hearing will get us past all of this other nonsense about why we cannot build our prison.

JUDGES OUT OF TOUCH WITH REALITY

Also, Senator, I think we are facing a situation where—you cannot do much about it, and I cannot either—I really think some of our judges are out of touch with the reality of life right now in 1989.

Senator **Gramm**. So do I, Mr. Mayor, and I think there are things we can do about it, but I agree with you.

DECISIONS MADE TO BALANCE THE FISCAL YEAR 1989 BUDGET

Mayor **Barry**. And then the final point, I think we can look at the budget. It was not easy for me to make some of those recommendations to the council. I had the support of the labor movement in this town ever since I have been running for office. We have had labor peace, no strikes, and the furlough was a 1 year, one-time effort to balance the 1989 budget.

I agree with you. Furloughs are no long-term solutions to the budget. They are just a one-time solution, and a lot of my labor friends were upset with me for making that kind of one-time judgment.

We are reducing expenditures within other areas. I think we can examine what we are trying to do. We have squeezed this budget, I think, and massaged it surgically, not with a hatchet, but with a surgical knife trying to keep certain programs going that are necessary for the safety and welfare of our people, as well as the social needs and the police needs.

Otherwise, I would not ever want to come to this Congress asking for help. I believe in doing for myself what I can do first, and only after I have done all we can do. There may be difference of opinions to whether we have done all we can do, but we think we have. Then I will come ask for help.

I also realize the deficit of the National Government that we do not just have money to just give out, and that your constituents want money for various programs that you cannot even fund. So we are well aware of that. So this Mayor and the council has, I think, made some very tough decisions about programs, and we will continue to make them.

Senator **Adams**. Thank you, Senator. Now you——

Mr. **Clarke**. Can I add——

Senator **Adams**. I am coming right to you, Mr. Clarke. I have a question for you, and then I am going to let you make your statement.

As you can see, Mr. Mayor, a consensus is forming, and it has been the effort of this committee and certainly this chairman during the last 3 months to pound together a consensus that we deal with this problem.

But you can see from the comments of Senator Kerrey, Senator Gramm, and myself that we just want to see what people do, not what they say. What they do.

Mayor **Barry**. I agree.

Senator **Adams**. And when something is not happening, then we want to try to do something, and if we cannot get it done, we cannot. That is the way it works.

LAW REGARDING SEIZURES OF ASSETS FROM CONVICTED DRUG DEALERS

Now, I have a question that goes right on the same line here. I would like to know, Mr. Chairman, the following: Does the District have a law allowing seizures of assets from convicted drug dealers?

Mr. CLARKE. Yes, sir; we do. We have several laws, and the performance data submitted by the Metropolitan Police Department to the council of the District of Columbia as part of its budget presentation reported that for the past 2 fiscal years and estimated for this fiscal year and next fiscal year, a total of those 4 fiscal years of over $24 million in seizures of assets.

Senator ADAMS. All right. Do you have the authority to take rock houses through abatement procedures? In other words, many cities use an abatement procedure. Do you have that in the city?

Mr. CLARKE. I do not believe that we do. We do have legislation pending in the council, which I have introduced, which will permit the seizure of all assets that are owned by drug dealers, unless there can be shown some source of the procurement of those assets other than drug dealing, and those assets would include not only those that we find on the persons in the commission of the crime, such as if they are dealing from a car—the money in their pocket—but also any other asset which could be reasonably presumed to have been procured with the proceeds of that crime, including the house, the boat, the bank account, the cars, et cetera. That legislation is pending in the City Council.

Senator ADAMS. I might suggest to you that you may wish to write to several of the public housing authorities throughout the country, as well as several of the cities which do have and allow abatement procedures, which are the civil seizure of the particular house and its closure for a period of time.

Mr. CLARKE. Now, if you are speaking about—I was speaking of a seizure as the taking of property.

We also are considering, in the council of the District of Columbia separately, eviction legislation, allowing both public and private housing providers to evict persons who have been convicted of drug dealing, or in one case, in a bill I introduced, are charged with it.

Senator ADAMS. I just caution you on that. As you are using public housing, you will have one person out of a group, and you might want to talk to them, because otherwise, sometimes a family goes out, but that is——

HAVING A STREET NAMED WASHINGTON IN THE DISTRICT

Mr. CLARKE. We are trying to deal with it——

Senator ADAMS. I also wanted to thank you, Mr. Chairman, for your letter that you gave me that there will be a Washington Street in the area.

Mr. CLARKE. We are going to try.

Senator ADAMS. We will hope so.

Mr. CLARKE. Can I make one addition to Senator Gramm's point?

THE CORRECTIONAL TREATMENT FACILITY—A FEDERAL INITIATIVE

Senator **Adams**. Yes; I will let any of you that wish to sum up at this point.

Mr. **Clarke**. In clarification of a point that the Mayor made, and I do not want to get into a rerun of a discussion we had before another chairman a couple of years ago, that very soon after the Mayor submitted his plans for the prison, the council acted on it.

Those of us who had a problem did not hold up due process, and the matter did move expeditiously from the Mayor's submission to the council to the presentation back to the Congress, and notwithstanding some of the problems that we had with the Mayor's proposal—some of us individually had with the Mayor's proposal—I cannot say that he nor the executive branch of this city have moved slowly on that project, and I am quick to point out where I think there is deficiencies.

The problem with the construction of that prison, whether you agree with it or whether you disagree with it, has not lain with the D.C. government. To be frank with you, sir, it has lain with the Federal Government, both on the legislative side for awhile, and now the judicial side.

In that time, the cost of the construction of it has risen, and that is not due to local delay. I would submit that there is possibly some Federal responsibility for that increase in cost, and because of that concern, I am concerned about the approach that is being taken to declare it a local initiative. The desire to declare it a local initiative is an effort to get around the historic preservation issue pending in the court.

But I hope that the committee recalls that it was a Federal initiative, so that when we face the questions of the cost overrun, that might be taken into consideration. On the declaration of it as a local initiative while it passed the Senate 98 to 0, it has been stuck now in the House Interior Committee in connection with H.R. 2109, the police authorization bill, regarding the matter of circumventing the section 106 review process.

So we have another player in this drama, in this saga, who has expressed concern over the undermining of the section 106 review of the historic preservation review process, and they are concerned about the language in what the Senate passed as in what the House passed about notwithstanding any other provision of law.

So I would submit that possibly if the Congress is intent upon going ahead, Senator Gramm's suggestion of a separate law might be the right way to do it.

CLOSING REMARKS OF SENATOR BROCK ADAMS

Senator **Adams**. Thank you, Mr. Chairman. As you heard me state when we started these hearings several weeks ago, we want to move forward with a number of these initiatives.

Our efforts here, and the suggestions that you have heard from Senator Gramm and myself that I stated at the first hearing, which is you must give us the tools to present in the Appropriations Committee for the reasons why Federal dollars need to be allocated in this area, whether it is for an increase in cost in the prison, or whether it is for an increase in cost of an additional number of officers, or for the fact that the city has not had the Federal payment keep up.

Everything is being closed down, so your own individual efforts match those of other cities around the Nation who are saying the same thing.

The purpose of this committee and the purpose of these hearings is to get your budget, have it as tight as possible, and be able to justify in the allocation, 302(b) allocation, that you should receive a certain amount of money. We will try to do that.

This committee will now stand at recess——

Mayor BARRY. Mr. Chairman, may I——

Senator ADAMS. Yes.

CLOSING REMARKS OF MAYOR BARRY

Mayor BARRY [continuing.] Just make a wrapup statement in the sense that I think you have seen from my testimony that we have tried to be as responsive to this committee as we possibly can, trying to give you as many arguments as we can, recognizing that cities around the Nation are suffering some of the same problems and need resources and need money. I want to thank you for taking the leadership in having these hearings earlier.

Usually they do start in the House first, but as you know, Congressman Dixon is also Chair of the Ethics Committee, and he is involved with a rather serious matter now——

Senator ADAMS. That is the reason we have proceeded, Mr. Mayor——

Mayor BARRY. We appreciate that. We would like very much to get this bill through the Congress early enough so we can start our fiscal year——

Senator ADAMS. On time.

Mayor BARRY [continuing]. On time, and rest assured that we share your desire to get at, what I consider our No. 1 problem in this city and in this country, and that is the whole question of drugs, crime, and violence. Thank you very much.

Senator ADAMS. I agree. We recognize the presence of Councilwoman Hilda Mason in the room and say that we are pleased to have members of the City Council or others attend, and the next hearing will be on Wednesday, May 17, and that will be on the Corrections Department.

So the committee will stand at recess——

ACKNOWLEDGING THE PRESENCE OF CITY LABOR UNIONS

Mayor BARRY. Mr. Chairman, could I just ask that our labor leaders be recognized. They came down to hear this hearing, and I would like them to stand so you can see them. They are public employee unions.

Senator ADAMS. I would ask them to please stand, and we welcome you to the hearing, and I appreciate your presence.

Mayor BARRY. Thank you, Mr. Chairman.

Senator ADAMS. Thank you, Mr. Mayor.

ADDITIONAL COMMITTEE QUESTIONS

I have submitted some questions along with questions from Senators Fowler and Kerrey which I will submit for response for the record.

[The following questions were not asked at the hearing, but were submitted to the District government for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR BROCK ADAMS

I. METROPOLITAN POLICE

SENATOR ADAMS:
1. Mr. Mayor, you have stated that there are presently 767 candidates for police on the active roster. Are these individuals fully qualified, are they ready to be called to the academy?

MAYOR BARRY:
1. Yes, these applicants have met the minimum standards but have not undergone the medical examination, background investigation and other necessary clearance requirements.

Based on our past experience, the actual number of applicants that will actually become police officers will be substantially less than the original number of applicants.

However, it is important to note that the department has been actively seeking candidates to recruit from within and around the Metropolitan area. But, with other neighboring law enforcement agencies also experiencing personnel shortages, i.e., Prince Georges County and Montgomery County Police, the pool of employable candidates from this area is becoming very competitive. In order to reach the estimated number of applicants necessary to hire 700 recruits, it is imperative that the department engage in an extensive recruitment campaign.

The department is also exploring other avenues to accelerate this mass recruiting effort. Plans are being made to discuss, with military officials, the feasibility of reinstituting the early out option, similar to that which was exercised in the early 60's and 70's. This enabled military personnel, with an expressed interest in law enforcement, to retire early and pursue this career.

SENATOR ADAMS:
1a. Under normal circumstances how many of these 767 would be expected to become police officers?

MAYOR BARRY:
1a. See response to 1.

SENATOR ADAMS:
2. Mr. Mayor, you have stated that the current staffing of the Metropolitan Police Department does not permit vigorous pursuit of asset

seizures. Why aren't more resources requested to pursue these forfeitures?

MAYOR BARRY:
2. Due to current budgetary constraints we have been unable to devote the necessary amount of monies to the staffing and materiel resource needs of the department's Asset Forfeiture Unit. However, recently, revenues generated from this program have been used to fund three (3) civilian positions within the unit. The D.C. government realizes the importance of supporting a program such as this and recognizes that, once fully-staffed, this unit has the potential of increasing the number of forfeiture cases processed. It is likely that with an increased workload, additional revenues for the city will be realized.

SENATOR ADAMS:
2a. What is your estimate of the amount that could be recovered in FY 1990 if every dollar available was recovered compared to what will be recovered with existing staff, and what have you recovered in the last three years?

MAYOR BARRY:
2a. If the Financial Investigations Unit was at its optimum staffing level and the Special Litigation Section of the Corporation Counsel was also fully staffed, we project that the number of cases processed would increase by two-thirds. Due to the varying factors associated with forfeiture cases, it is difficult to estimate what would have been recovered. However, over the past three years the department has recovered approximately $3,300,246 in revenues.

SENATOR ADAMS:
2b. How much additional staff would it take to get the maximum return? What type of staff would be needed, if police officers are required explain why civilians couldn't be used?

MAYOR BARRY:
2b. The Financial Investigation Unit, consisting of both uniform and civilian positions should be staffed as follows:

Current Allocation		Proposed Increase
	Uniformed Positions	
1	Lieutenant	N/A
1	Sergeants	3
5	Detectives	8
	Civilian Positions	
N/A	Para-Legal	1
	Tax/Account Auditor	
1	Forfeiture Asst.	Filled
1	Secretary	Filled
1	Clerk-Typist	Vacant

SENATOR ADAMS:
3. How are asset seizure funds being used in FY 1989?

MAYOR BARRY:
3. The FY 1989 asset seizure funds are being used to purchase audio/visual equipment to develop promotional material for drug prevention and education. Also, these funds are being used to purchase firearms, radios, surveillance equipment and vehicles.

II. CRIME AND DRUGS

SENATOR ADAMS:
1a. As part of the Metropolitan Police response to the drug war police officers have been working 6-day weeks. According to your testimony this is reducing the incidence of crime and the homicide rate. Do you plan to continue this pilot project?

1b. Where would you look to reprogram funds to keep this program going?

1c. How long can you sustain this program with District funds?

MAYOR BARRY:
1. The six-day work week program was started as a pilot project in mid-March 1989 to help combat the war on crime and drugs. The program was begun in anticipation of being funded with federal funds with the help of this Committee. In response to the request from this Committee as to what it could do to help the City, I wrote a letter to Chairman Brock Adams dated April 7, 1989 requesting an emergency appropriation of $36,197,675.

Included in this amount was $14,400,000 to continue the six-day work week for the 3,054 members of the Police Department for a six-month period. The letter indicated that the continued use of overtime for this effort would allow the District to secure and maintain control over areas where drugs were openly sold. To date, we have received no response from the Committee to our request.

At the time we began the six-day work week in March, the Revised FY 1989 Budget had already been submitted to the Council and approved. In the Revised Budget, we cut the agencies' budgets by $78.9 million in order to fund unbudgeted needs including an increase of $29.4 million in the Public Safety area.

If federal funds are not forthcoming for this program we could only continue the program by reducing the size of the force participating in the program through optional participation and/or look to other ways of deploying police officers.

Since we have already cut agencies' budgets by $78.9 million in FY 1989 and with two thirds of the fiscal year already gone, it is not feasible to reprogram funds at this time.

SENATOR ADAMS:
2. On May 5th you wrote to Federal officials requesting assistance from various Federal police agencies. Have you received a reply?

MAYOR BARRY:
2. No, the department is still waiting for an official response from the various Federal police forces that were contacted.

SENATOR ADAMS:
2a. Where will these officers be assigned when available?

MAYOR BARRY:
2a. If this request is approved these officers would be used to assist the officers efforts within the seven police districts.

SENATOR ADAMS:
3. You are requesting 800 additional police officers, 100 of which would be assigned to public housing projects. How will the others be deployed?

MAYOR BARRY:
3. In keeping with traditional policy of the department, all newly hired officers are initially assigned to one of the seven police districts.

SENATOR ADAMS:
3a. Have you built into your request sufficient support for these officers -- the radios, police cars and other equipment that they will need?

MAYOR BARRY:
3a. We project that for each police officer postion created in the FY 1990 budget, an additional $11,675, per new hiree, will be needed in support of non-personal services funding. The department has increases in its 1990 nonpersonal services budget of $9,134,000 or a per capita increase of $11,417.50, if the total increase in police officer positions is 800. We consider this to be adequate funding for a projected increase of that size.

III. DRUG REHABILITATION

SENATOR ADAMS:
4a. In testimony last year you noted that 2 new drug treatment clinics, which would add 500 slots, which were planned for FY 1988 had been delayed and would not be opened until FY 1989. Are those clinics now operating?

MAYOR BARRY:
4a. Groundbreaking for renovations for the clinic in Ward 7 will be this month. We continue to seek an appropriate site in Ward 8. There are two now being considered for suitability. Hopefully, we can locate an acceptable building and move forward yet this year.

SENATOR ADAMS:
4b. Are any additional proposed for FY 1990?

MAYOR BARRY:
4b. There are a number of initiatives currently underway which will significantly add to our treatment capability. For example, we are extending the operating hours of several existing clinics such that with added staff we can increase the number of treatment slots without finding new sites. This will net us some 400 new slots in the next 90 days or so. Also, by the 1st of August, we will open a new 100 slot clinic in the Upper Cardoza Community Health Center in N.W., D.C. This is an effort to bring together primary health care services and substance abuse treatment in conjunction with the public health service that may be replicated at three additional health centers. We are also working with churches across the city to determine if they may have facilities that can be used for drug treatment. We're in the early stages of this effort, too early perhaps to indicate how many slcts we can expect. Altogether, I think we can conservatively expect to add more than 1000 slots or roughly a 35% increase in capability over the next year.

SENATOR ADAMS:
5a. What type of methods are you using in these facilities and others? I understand from the people in Seattle that the model for heroin addicts is not effective with cocaine users.

MAYOR BARRY:
5a. Your sources in Seattle are correct. Treatment protocols for heroin and the opiates are somewhat different than those for cocaine. Moreover, we are not nearly as experienced in treating cocaine addiction and especially crack addiction, as we are with heroin. The state of the art of treatment for crack is not highly developed at this point. It involves the use of some medications and varying intensity of individual and group counseling therapies. We are using these protocols in our clinics with limited success.

SENATOR ADAMS:
5b. How long is your waiting list if someone comes in and wants to get into a treatment program?

MAYOR BARRY:
5b. There are 169 people on our waiting list as of June 1st. That translates to approximately a two week wait for outpatient treatment. The wait for residential or inpatient treatment varies with the length of the program. Long term beds don't turn over very often so the wait can be several months. We encourage people to avail themselves of outpatient treatment while they are awaiting their name to come up on an inpatient list.

SENATOR ADAMS:
5c. Is treatment on demand a goal of your program?

MAYOR BARRY:
5c. We seek to provide the kind of treatment we determine an individual needs at the time they come to us for treatment.

SENATOR ADAMS:
5d. How many adolescent users and adolescent treatment beds do you have; or programs for pregnant women who may have other children?

MAYOR BARRY:
5d. We have 60 outpatient slots for adolescents and 35 residential beds all of which are full. We have recently dedicated five beds in our detox facility for pregnant women. There are 300 outpatient slots for women of child bearing age (mostly pregnant women) in our Women's Services Clinic. We have an extensive program for pregnant substance abusers which is tied very closely to a special prenatal clinic for substance abusers and an active program of follow up and outreach to these mothers once they deliver. For example, we have social workers who contact them while still in the hospital regarding treatment for their drug abuse and proper care for their babies. These social workers then follow up with home visits to further encourage and support the new mothers as necessary and assure regular participation in treatment and sufficient medical support for the new baby as well as other children in the family. In this way, we are impacting not only substance abuse, but infant and child health issues as well.

IV. DRUGS

SENATOR ADAMS:
1. As part of your proposed comprehensive plan to combat drugs you have requested $2.4 million for prevention and treatment programs, including expanding clinic hours and expanding programs in public housing projects. The sums required to accomplish these projects, are you considering realigning your priorities to accomplish these programs?

MAYOR BARRY:
1. Our drug prevention and treatment priorities will remain the same, and that is to provide treatment on demand to every citizen that requires drug treatment services, and to put in place a comprehensive city-wide drug prevention program. In addition, we will target our drug treatment and prevention services through outreach programs to high risk groups such as residents of public housing projects. The $2.4 million requested in additional funding will help us expand ongoing efforts to achieve our drug treatment and prevention objectives.

SENATOR ADAMS:
2. Mr. Mayor, also in last years hearings you listed the goals of the District's Alcohol and Drug Abuse Administration. Among those goals is to expand mobile drug education program in Wards 6, 7 and 9. Has this been accomplished, and is this program effective?

MAYOR BARRY:
2. We have had a great deal of success with our mobile outreach prevention programs. Our drug mobiles are now familiar with sights all over town and especially at our public schools and recreation programs. We have two vehicles currently in service and expect to add a third this fiscal year. Projections are to reach more than 25,000 people with a substantive prevention message through this means.

SENATOR ADAMS:
3. Also mentioned in your goals is the establishment of peer counseling programs in the schools. How many schools do you plan to have involved in this program and how many are currently operating?

MAYOR BARRY:
3. A "Peer Facilitator" model was introduced in 1981 on a systemwide basis. All schools were asked to increase group guidance and group counseling through the development of programs. Variations of the model have been implemented particularly in the elementary schools especially in the personal/social domain. Through this vehicle all 133 elementary schools, 26 junior high schools and 12 comprehensive senior high schools are operating programs which use the peer counseling techniques. The mechanism exists but additional resources are needed for staff to provide intensive counseling and follow up to make the peer facilitator model more effective.

SENATOR ADAMS:
4. National Drug Policy Director William Bennett, in his plan for the District of Columbia, promised 300 new treatment slots by 1990. What is the status of that proposal, are National Institute of Drug Abuse (NIDA) personnel talking to District people?

MAYOR BARRY:
4. Personnel from the District's Alcohol and Substance Abuse Services Administration have been meeting regularly with NIDA personnel regarding the provision of the 300 new treatment slots. Tentative plans have been made which include timetables and milestones. Once these plans are finalized, they will be reviewed by the Office of Drug Policy, and then shared with members of Congress.

SENATOR ADAMS:
5. Mr. Mayor, recently National Drug Policy Director William Bennett has proposed that casual users be given jail time and that first time drug felons be sent to a 90 to 120 day boot camp type prison. What do you think of these proposals?

MAYOR BARRY:
5. The proposal to give jail sentences to casual users of illicit drugs may serve as an effective deterrent for some users, but probably not for the greater majority since blanket enforcement would be difficult. Recent survey data suggest that as many as a third of our adults know persons who regularly use illicit drugs. If this is an indication of the number of casual users, then blanket enforcement could result in dramatic increases in our jail population and further escalate our criminal justice costs. Selective enforcement and incarceration of casual drug users generally result in a disproportionate percentage of inner city urban dwellers being locked-up since their likelihood for apprehension is far greater than for middle-class suburban users. It is my view that enforcement efforts should place emphasis on apprehending major drug traffickers, and disrupting the production of drugs in Central and South America.

The proposal to require shock incarceration (90 to 120 days boot camp type prison) for first time drug felons may in some instances be an effective intervention. However, before the District and other jurisdictions embark on developing such programs, existing shock incarceration programs should be thoroughly evaluated to determine their effectiveness in reducing further criminal or drug involvement among program participants.

SENATOR ADAMS:
6. Mr. Mayor would you consider proposing legislation to the Council that would create a life without parole penalty for drug dealers?

MAYOR BARRY:
6. In 1988, there were about 10,400 persons arrested in the District for drug sales. Over the last three years,

there have been about 35,000 such arrests. The District currently has more than 12,000 of its citizens incarcerated and has no room for additional prisoners in its existing facilities. Implementation of a life-term without parole for this large category of offenders would require a massive expansion of our local prison capacity and additional expenditures of many millions of dollars. Involvement with drugs is often symptomatic of more deeply rooted problems often related to the economic disparities that exist within our society. It is my view that our scarce dollars are better spent on improving the quality of life for persons at high risk of becoming involved in the drug trade, and working diligently to reduce the demand for illicit drugs.

V. HOMELESS AND HOUSING

SENATOR ADAMS:

1. Mr. Mayor, last week in a negotiated settlement a Superior Court judge ordered the District to improve its shelters for the homeless. We know that the District has greatly expanded its shelter programs in recent years, expanding services by 70% in the last 4 years. Under the order the District will keep open certain shelters, improve the conditions in all shelters, and be prepared to open others if occupancy reaches 95%. How will you pay for this agreement?

MAYOR BARRY:

1. We will finance the agreement with Judge Taylor through anticipated savings in the homeless families portion of the shelter program. As you know, housing homeless families under currrent conditions is very expensive. As we are able to find more public housing for families currently housed in motels and hotels, we will then be able to redirect those funds away from expensive hotels and motels to improvements in conditions for shelters for single persons as outlined in Judge Taylor's order. I should point out that additional funds are requested for the entire shelter program for both fiscal year 1989 and 1990. We anticipate these requested resources will be sufficient to meet the needs of both homeless families and homeless individuals.

SENATOR ADAMS:

2. According to District statistics the average adult stays in a city shelter for 41 days, and the average family for 100 days. Where do they go after that, and are you able to find them housing or do they just go back to the street?

MAYOR BARRY:

2. We have outplacement statistics for families, but we do not have comparative statistics for single adults who tend to be more transient than families. Approximately 23% of homeless families were outplaced to public housing units, and 27% were placed in private apartments with either Section 8 or Tenant Assistance

Program subsidies. Another 12% of the families are living in private unsubsidized units, and 4% were placed in transitional housing. The balance of outplaced families, or 34%, either live with other family members, or have gone to other jurisdictions, or their whereabouts are unknown.

SENATOR ADAMS:

3. The District operates 11,954 public housing units, and as of a year ago, there where 12,224 people on a seven year waiting list to get into one of these units. I know that you are constantly renovating and modernizing these units. How many are currently vacant awaiting renovation and how many will be done in 1990?

MAYOR BARRY:

3. In August, 1988, the District's public housing waiting list was purged and automated. The number on the public housing waiting list was reduced from 12,224 to 7,709. As of May 30, 1989, 8,171 individuals/families were on the public housing waiting list.

Specifically, to respond to your question, as of May 30, 1989, there were 1,762 vacant public housing units awaiting comprehensive modernization and renovation. By 1990, 1,368 vacant public housing units will be modernized and ready for occupancy.

SENATOR ADAMS:

4. Have you taken any action prior to or since recent reports of a neighborhood group that has identified several District owned vacant buildings being used by drug dealers? Have you ordered an inventory of all District owned buildings to discover their condition and whether or not they should be boarded up or renovated?

MAYOR BARRY:

4. The vacant units referred to in recent reports of a neighborhood group are categorized as scattered site properties. Of the District's 11,954 public housing units, 321 are scattered site properties. As of May 30, 1989, 50 were vacant. To date, 37 of the 50 vacant scattered site properties are under construction and scheduled to return to occupancy in 1989.

Scattered site properties are occupied by and reserved for our best public housing tenants. When a scattered site property becomes vacant, our staff is responsible for boarding the windows and doors of the property. Once initial boarding and cleaning has been completed, staff is responsible for monitoring our scattered site properties to ensure that the properties are secure and clean.

Oftentimes, it is difficult to keep scattered site properties boarded because the homeless, those with drug problems, and other members of the community remove the boards and enter the properties. When such illegal entry occurs, staff must remove additional debris and reclaim the property. In some instances, the police department has been called to assist staff in reclaiming a site.

Since the reports that you refer to were published, the Department has established a policy of monitoring, inspecting and cleaning our vacant scattered site properties more closely. Each complaint from the community is investigated and addressed within two (2) working days. We have also developed a "closer" working relationship with the Metropolitan Police Department to monitor vacant scattered site properties to determine if unlawful entry has occurred and to evict those who are occupying our properties illegally. We have found that increased police patrols in troubled developments have been productive.

The Department is also exploring the possibility of presenting a proposal to HUD to deprogram and/or dispose of certain scattered site properties which are too expensive for the Department to renovate and maintain. Specifically, there are instances where the cost of rehabilitation will be prohibitive and that once in the unit, tenants cannot afford to pay high utility costs.

As of May 30, 1989, there were a total of 2,497 vacant units. Of this number, 1,762 have been vacated for comprehensive modernization and 735 are in our non-mod vacant unit category. Of the non-mod vacant units, 181 have been categorized as needing minor repairs, 223 have been categorized as needing moderate repairs and 331 have been categorized as needing major repairs. Of the 331 units included in the major repair category, 25 units have been determined to be cost prohibitive and/or unproductive to repair. Further, due to the excessive cost of renovation, HUD has acknowledged the deprogramming of an additional 192 units from our public housing inventory.

VI. WATER AND SEWER PAYMENT

SENATOR ADAMS:
1. Mr. Mayor, the Administration has once again not requested the required lump sum payment for water and sewer services to the Federal government. Instead the General Services Administration has proposed that the District bill Federal agencies monthly for these services. What is your view of this proposal, and what effect would monthly billing have on the District's cash flow?

MAYOR BARRY:
1. We have serious reservations about the legislation that the Office of Management and Budget has sent to the Congress because that legislation does not ensure that the District will be able to collect the funds owed on a timely basis. The GSA draft legislation contained monthly billing on an as-metered basis and no sanctions to help enforce collections. The monthly, as-metered billing would have resulted in an estimated $4.4 million reduction in cash flow in FY 1990 because that billing arrangement would

have represented a shift from the current system that is based on prospective quarterly payments. The OMB redraft of the legislation retained the prospective quarterly payments and included a penalty for late payment.

However, the redraft continues to prohibit the District from terminating service to Federal agencies for nonpayment of bills. To deny the District water shutoff as a tool to enforce payment not only would weaken the District's ability to collect from the various Federal agencies but also would treat the District differently from other Washington area utilities, such as the Potomac Electric Power Company and the Washington Suburban Sanitary Commission, who are empowered to terminate service to Federal installations. This sanction is currently available to the District for enforcing collections from its residential and commercial customers, therefore, it should also apply to Federal agencies. While we believe that cutting off water to Federal agencies would be quite disruptive to Federal government activity, the District must have some means available to ensure the financial integrity of its water and sewer utility.

We also believe that coordination and administrative issues need to be worked out before direct billing can be effected. However, little time is left for so doing. To meet the FY 1990 effective date proposed in the OMB legislation, the first estimated bills would have to be sent out in mid August 1989. To commence direct billing, some of the important issues that have to be addressed include training District personnel in the new Federal agency billing system, establishing the procedures for dealing with billing and collections for master meters in multi-agency buildings, and completing a roster of Federal agency contacts and billing addresses. In light of what is in our view a deficient legislative proposal and the numerous remaining issues that have to be resolved before direct billing is implemented, we believe that the lump-sum appropriation should continue. We, therefore, request a lump-sum payment for FY 1990 of $34,740,000.

SENATOR ADAMS:
2. Do you believe that with an appropriate time for transition, that some compromise could be worked out which would result in legislation to change the law to permit you to bill Federal agencies?

MAYOR BARRY:
2. I believe that FY 1990 is too early for even beginning a transition to direct billing. We have further work to do to train our agency personnel in a new Federal agency billing system and to resolve remaining administrative questions such as those identified in my answer to question number one. This work cannot be completed by mid August 1989 when we would have to send out the first set of estimated quarterly bills. Once the major outstanding issues are addressed, it would then be possible to plan an orderly transition to direct billing. We could consider, among other things, phasing in groups of Federal agencies, putting some on a direct billing basis and having others paid for with a lump-sum appropriation. Not only would a carefully structured transition minimize problems and disputes but it would also assist the various Federal agencies in their financial planning efforts.

VII. FEDERAL PAYMENT

SENATOR ADAMS:
1. Mr. Mayor, it has been 15 years since Home Rule, the city appears to be entering a new phase of fiscal management where the substantial increases in revenues above estimates that made it possible to handle increased spending needs without making reductions in other budget priorities, has come to an end. In your view, is it time to have an independent review of the financial relationship between the Federal government and the District of Columbia government?

MAYOR BARRY:
1. While it is true that these are lean years in the District's finances, especially when compared with the mid 1980s, the questions of the federal payment level and the manner in which that level is determined should be independent of the cyclical changes in the District's finances. The determination of the federal payment should also be independent of the condition of the federal budget. That is, the federal payment should not decline in real terms, as it has, nor should it be subjected to sequestration, as it has been, because of the exigencies of the federal budget deficit ceiling.

The District is obviously suffering from the fact that the federal payment has declined 16 percent in real terms since 1985. There are, of course, other factors that add to the financial pressures. The war against drugs also places a tremendous strain on resources, and the District faces many court requirements to provide shelters for the homeless, improve the care of the mentally and physically handicapped, the mentally ill, juvenile offenders, and prisoners, and reduce the level of pollutants in the Potomac river.

It would be useful to have an independent group examine the financial relationship between the Federal and District governments. However, I would point out that there have been many study commissions analyzing that subject over the last century. None has produced a viable answer to setting the federal payment. More recent attempts to grapple with the question have concluded that, rather than find the elusive mathematical formula, it would be better to start with an acceptable base and establish some acceptable way for allowing at least the authorized payment level to grow. In this fashion, the annual negotiation could cease and District finances could be removed from the political realm.

Perhaps an independent group could pursue a broader agenda that would look at some of the financial remnants of the pre-Home Rule relationship between the Federal and District governments. I would include in that list the unfunded pension liability and the responsibility for criminal justice. No doubt those who championed the Federal view would include the District's participation in the Civil Service Retirement System. Between these two ends of the spectrum are the various issues surrounding the limits (if any) of the Federal interest, both geographic and in terms of the general quality of environment, and the Federal involvement in the District's budget process. I believe that a dedicated independent group could arrive at some recommendations that, if implemented, could result in less contentious, more efficient, and generally much more satisfactory financial relationship between the government that is responsible for the nation and the government that is responsible for the city.

SENATOR ADAMS:
1. Mr. Clarke, the District Council has not sat by as the District's crime and drug wars have raged. Could you update us on what actions you have taken and what your priorities for the future are?

CHAIRMAN CLARKE:
1. The Council has taken a series of steps to eradicate the drug problem in the District of Columbia. Over the past few years, the Council has dealt with the drug problem by increasing the budgets of those agencies responsible for drug rehabilitation, intervention, and drug education. The Council has also dealt with the drug epidemic by enacting laws that will provide penalties to individuals who contribute to the drug market. Highlighted below are the actions taken by the Council to fight the war on drugs in the FY 1989 supplemental and FY 1990 budgets. Also highlighted are legislative actions that have been taken by the Council to combat the District's drug epidemic. I have concluded with a brief synopsis of all pending legislation pertaining to this subject matter.

In the revised fiscal year 1989 budget, the Executive Branch requested for the Alcohol and Drug Abuse Administration Program a total $28,629,000. This represented a decrease of $270,000 from the approved fiscal year budget.

Moving in the opposite direction, in the fiscal year 1989 supplemental budget, the Council recommended that ADASA receive a total of $30,316,000. This amount represents a $1,687,000 increase in the nonpersonal services budget. The $1,687,000 was distributed as follows: $237,000 was allocated to the Bureau of Information, Prevention & Education Responsibility Center (ADPT), for drug prevention education and information, and $1,450,000 was allocated to the Bureau of Drug Treatment Services Responsibility Center (ADTS). Of the $1,450,000 that was budgeted for the Bureau of Drug Treatment Services, $250,000 has been designated to provide stipends to first-time drug treatment applicants on a first-come first served needs basis for treatment at duly licensed substance abuse facilities located in or outside of the District of Columbia. Furthermore $950,000 was designated for ADASA abstinence drug treatment services and finally, $250,000 (of the $1,450,000) was designated for contracting out to District community-based therapeutic abstinence residential substance abuse treatment programs with a history of treating persons with substance abuse in the District.

For fiscal year 1990, the Executive Branch requested $28,880,000 for the Alcohol and Drug Abuse Administration Program. A total of 229 continuing full-time positions were also requested in the budget.

In the fiscal year 1990 budget, the Council recommended that the Alcohol and Drug Abuse Administration Program receive $31,595,000. This recommendation represents an increase to the program budget of $2,715,000. The $2,715,000 was distributed as follows: $500,000 was allocated to the Bureau of information, Prevention Responsibility Center (ADPT), for drug prevention, education, and information programs, with special emphasis on groups and organizations East of the River, such as Concerned Citizens on on Alcohol Abuse, Parklands Community Center, and Unfoldment, Inc. The remaining $2,215,000 was budgeted in the Bureau of Drug Treatment Services Responsibility Center (ADTS).

Of the remaining $2,215,000, $200,000 was designated to provide stipends to first-time drug treatment applicants on a first-come first served needs basis for treatment at duly licensed substance abuse facilities located in or outside of the District of Columbia; $1,165,000 was designated for ADASA abstinence drug treatment services with $100,000 allocated to obtain supplies and materials; and $400,000 was designated for intra-District transfer to D.C. General Hospital to provide substance abuse detoxification treatment services. The remaining $450,000 was designated for contracting out to District community-based therapeutic abstinence residential substinance abuse treatment programs also with a history of treating persons with substance abuse in the District.

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First, the District has one of the most comprehensive controlled substances law in the country. Modelled on the Federal law, the Uniform Controlled Substances Act (D.C. Law 4-29, effective August 5, 1981), which received the "enthusiastic support" of then U.S. Attorney Charles Ruff, divides all controlled substances into five schedules and, based on the testimony and submissions of federal experts at the time, relates the degree of control over substance to its potential for causing harm and addiction. The law also provides for increased penalties for distribution to minors and substantially expanded the forfeture provisions the extant.

In addition to establishing this comprehensive drug control scheme, the law also provided for increased penalties for distribution to minors and substantially expanded the forfeiture provisions then extant. Prior to its passage, the predecessor Uniform Narcotic Drug Act treated all offenses, ranging from simple possession of a prescription-based codeine to sale of heroin to a juvenile, the same - a misdeameanor for the first offense. The UCSA provided a scale of penalties based on the danger of the drug to the kind of conduct involved. Today, the possession of that cough medicine remains a misdemeanor but the sale of heroine to a juvenile can bring 30 years.

In 1976, the District adopted one of the toughest handgun laws in the country. It banned the sale of handguns and limited possesssion to those who had registered them prior to 1976. And, from 1976 through 1987, the number of handgun homicides in the District was fewer than it had been prior to the passage of that law. In 1988, things changed. The number of homicides went up as did the number of guns coming into the District from outside. The Police Department has reported that over half of the guns recovered in Operation Clean-Sweep have come from Virginia gun stores.

In 1982, the "District of Columbia Mandatory-Minimum Sentences Initiative" was passed by the voters of the District. This law provides for a mandatory minimum sentence of 5 or 10 years, for first or subsequent offenders respectively, for person convicted of committing a crime of violence while armed. It also provides for a mandatory minimum sentence for persons convicted of manufacturing, distributing, or possessing with intent to manufacture or distribute certain controlled substances, the minimum being dependent on the classification of the drug.

Recently the Council and the Mayor worked out emergency and temporary legislation that provides for a mandatory minimum sentence for mere possession of a firearm while committing a crime of violence or dangerous crime, as defined by law. The "Law Enforcement Emergency Amendment Act of 1989", D.C. Act 8-10, effective March 15, 1989, also amended the existing definition of "dangerous crime" to include drug related offenses. Additionally, with respect to bail, the law amends current D.C. law by creating a rebuttable presumption for pre-trial detention if, in the commission of a crime of violence, a dangerous crime or murder in the first degree there is a substantial probability that the person was armed or had a firearm readily available. Our bail law otherwise permits release pending trial if the person is found not to be a threat to the community and that person's return for trial is reasonably assured.

Other measures relating to the impact on youth of this crime emergency are being considered also. The Council has passed a law requiring the prosecution of some youth as adults for crimes committed on school property. The Mayor has suggested enactment into District law of certain federal provisions applicable to crime committed within 1,000 feet of school property. Additionally, you may be aware of our efforts to enact a curfew on individuals under the age of 18 and its status in the legal proceeding challenging its constitutionality.

With respect to addressing priorities for the future, in my view we must continue to enact tough and imaginative laws that get to the heart of the profit motive in the drug trade by creating stiffer forfeiture laws that keep pace with the elaborate laundering of illegal profits that has developed; that help to ensure the safety of tenants in private and public housing units where drug trading is occuring; and that impact on the distribution of new weapons of death that permeate our streets.

Toward these ends, I have personally introduced legislation that addresses each of these matters. First, I have introduced a wide-sweeping drug racketeering bill that would get at not only the proceeds of crime, but the proceeds of proceeds of criminal activity. Second, I have introduced legislation that would permit eviction of a tenant against whom probable cause of commission of a drug-related offense has been found. Other legislation is pending on the same subject. And third, I have introduced the "Handgun Manufacturers Strict Liability Act of 1989" which would hold manufacturers of handguns strictly liable for any damages and injuries caused by the operation of a handgun. This bill would provide for a law enforcement exception as well as one for an individual injured during the commission of a felony.

Many other related measures are now pending before the Council. One measure is the "Omnibus Narcotic and Abusive Drug Interdiction Act of 1989" which would amend certain sections of the Uniform Controlled Substances Act and would create a Drug Interdiction and Demand Reduction Fund. This fund would consist of money derived from fines collected and assets derived from enforcement of the Uniform Controlled Substances Act.

Another measure pending before the Council is the "District of Columbia Neighborhood Anti-Drug Trafficking Commission Act 1989." This Act would create a 15 member commission to advise the Council regarding development of legislation and regulations concerning narcotic trafficking in the District and its attendant dangers to the community.

The "Protection of Children from Exposure to Drug-Related Activity Amendment Act of 1989" is another measure that is currently pending at the committee level. This measure would require law enforcement officers to report the presence of children living in homes where illegal drug activity is taking place. It also would require the Child Protective Services Division to investigate these reports and to provide treatment and counseling to these children. Another measure designed to protect children is the "District of Columbia School Safety Zone Act of 1989." This proposed legislation would prohibit distribution or possession (with intent to distribute) of controlled substances within 1000 feet of an elementary or secondary school in the District.

In order to reduce the number of drug related vehicular accidents, pending before the Council is the "Comprehensive Anti-Drunk Driving Act of 1989." This Act would substantially strengthen existing anti-drunk driving laws and provides for, among other things: increased fees for reinstatement of revoked license, impoundment of drunk driver's vehicle, police arrest without warrant in certain circumstances and compensation for victims.

The "District of Columbia Public School Firearm Prohibition Act of 1989" is another measure pending before the

Council. This measure would provide for the prosecution of 16 to 18 year olds, who are charged with possession of a firearm within 500 feet of a public school building or other property, or public school-sponsored event, as an adult. This measure has already been approved on a temporary and emergency basis, the current proposal would allow for the legislation to be enacted on a permanent basis.

The "Anti-Drug Abuse Amendment Act of 1989" is an additional measure pending before the Council. This proposed legislation would amend the existing Controlled Substances Act in order to redefine cocaine as a narcotic drug, thus increasing penalties for conviction of crime involving cocaine.

Finally, there is the "Assault on a Law Enforcement Officer Amendment Act of 1989." This peice of legislation would amend existing law with regard to assaults on law enforcement personnel to extend the penalty for assaults on police officers, firefighters, and correctional officers to also include assaults on emergency medical employees and parking enforcement employees.

SENATOR ADAMS:
2. Mr. Clarke, you have shared with me a paper you wrote entitled "A Mortgaged Future" which discusses the coming crisis in pension liability. In your view, what should the Council and the Congress be doing?

CHAIRMAN CLARKE:
2. The pension liability problem will climax in the year 2005 when the annual federal payment of $52.1 million will end, and the District will be required to pay the accrued cost (net normal cost) and the interest on the unfunded liability which at that time will reach $9.7 billion. To eliminate the unfunded liability by 2005, additional payments of $417.7 million per year into the fund would be necessary.

The Council and the Congress along with the Mayor and the affected employee unions must convene a summit to study the pension liability problem with a view to cooperatively devising a solution and determining the exact role of all players in effectuating that solution.

The needed annual payment of $417.7 million is eight times greater than the current federal payment of $52.1, most of the liability is attributable to a period when the taxpayers of the District of Columbia did not have control of their own governance, and it is unreasonable to expect that the taxpayers bear the whole responsibility for the correction of a problem that they did not create.

At the same time that the District is facing this looming crisis of the unfunded pension liability the federal payment has declined as a percentage of the federal budget from 24% in 1977 to 14% in 1990 and as a percentage of taxes foregone as a result of the federal government tax exempt status and restriction of District taxing ability from 45% in 1983 to 29% in 1990. Also, we are faced with a Corrections budget which has more than doubled in the past six years going from $93.9 million to $227 million.

There are a number of options which would require increased contributions by all parties: the federal government, the District government and employees. At a minimum, consideration should be given to extending the 2005 deadline which would require a commitment by the federal government to extend the special federal payment to the retirement fund. Also, the requirement that the District massively increase its contribution to the fund in 2005 should be modified to reduce that requirement.

Another possible option would be the creation of a new retirement fund for new police officers, firefighters, teachers and judges which could be a defined benefit payment plan, fully integrated with the Social Security System, similar to the system devised for new District employees after the federal civil service program ceased covering them. The new employees would not then add to the unfunded liability as they are now doing. The new fund would be fully funded from the start. The new fund would gradually pay out its benefits and close out.

I would welcome the opportunity to, with you, bring together the various interests involved, including the relevant leaders of the Congress of the United States, to devise a solution and to identify the relative responsibilities of each of the various interests in meeting those responsibilities.

OFFICE OF THE INSPECTOR GENERAL

SENATOR ADAMS:
A.1a. The District is currently experiencing a major crisis in the drug abuse area. What specific reviews will the Office of The Inspector General perform in FY 1990 that will address either the efficiency or effectiveness of the District's programs dealing with drug enforcement, drug treatment or drug prevention?

MR. GILL:
A.1a. The Office of The Inspector General (OIG) 1990 Annual Audit Workplan is currently being developed and will be completed in the final months of fiscal year 1989.

At the present time, the only assignment which we can say that will definitely be a part of the 1990 workplan, specifically related to the District's drug efforts, is a continuation of a current project of rendering assistance to the Metropolitan Police Department's (MPD) Financial Investigation Unit.

OIG has assigned an auditor to assist MPD in their asset tracing efforts to review financial records of persons accused of either drug dealing or drug related money laundering schemes. These records were obtained by MPD as a result of grand jury subpoenas or search and seizure warrants. The purpose of the reviews has been to determine whether the accused individuals were expending funds in excess of what they could have legitimately accumulated. Once this has been determined, the government can move under 21 U.S.C. 881 to seize and forfeit all identified assets of the targeted individual. The auditor has been working with MPD investigators, the United States Attorney's Office and Internal Revenue Service to develop techniques which will enable MPD to accomplish their goal.

SENATOR ADAMS:
A.1b. What program efficiency and effectiveness measures do you believe should be employed to assess drug prevention, drug treatment and drug enforcement programs?

MR. GILL:
A.1b. As you know, measures of efficiency and effectiveness in the area of drug prevention, treatment and enforcement have been difficult to develop for both legislators and program administrators.

We have been informed that Evaluators from the U.S. General Accounting Office are reviewing the measures of program efficiency and effectiveness currently used by the District's Metropolitan Police Department, the Department of Corrections, the Office of Criminal Justice Plans and Analysis and the Commission on Public Health. Our discussion with officials in these and other District agencies confirm that District officials have been reviewing the program measures used by Federal, state and local agencies nationwide in order to develop effective program measures in the District's war on drugs.

The District's Office of Criminal Justice Plans and Analysis informs us that the program measures which you refer to will be included in the plan being developed by that office to address the District's drug problem.

SENATOR ADAMS:
B.1a. For FY 1989 to date, identify the number of recommendations made by OIG.

MR. GILL:
B.1a. From the beginning of fiscal year 1989 until April 30, 1989, the Office of The Inspector General has issued 36 audit and investigation reports containing 126 recommendations.

SENATOR ADAMS:
B.1b. For FY 1989 to date, what are the estimated dollar savings resulting from OIG's recommendations?

MR. GILL:
B.1b. We estimate that the District will realize over $2,046,000 in savings resulting from these recommendations.

SENATOR ADAMS:
C.1a. The District is also currently experiencing negative publicity surrounding its contracting policies and procedures. Based on your work in this area, do you believe the internal controls in this area are operating effectively?

MR. GILL:
C.1a. The District of Columbia enacted the D.C. Procurement Practices Act of 1985 effective February 21, 1986. District agencies operated under interim procurement regulations from the effective date of the Act until February 26, 1988, when final regulations implementing the Act became effective. The Act and the implementing regulations were designed to reform the previous procurement system by providing strong central oversight, greater emphasis on developing a professional procurement staff, and further development of computerized management information systems.

Since the implementation of the Procurement Practices Act, the OIG has issued three "Annual Operational Audit of Procurement Activities" for fiscal years 1986, 1987 and 1988. The fiscal year 1988 report was issued on March 31, 1989. Copies of the report have been made public. The fiscal year 1988 report summarized our comments and conclusions on centralized procurement management, including the status of various tasks necessary to implement the requirements of the Procurement Act, and presented our findings and recommendations from reviews of procurement operations in thirteen agencies of the government. Included in the report's attachments were agency responses describing actions they have taken or have planned to improve the system of internal controls over procurement activities.

In our fiscal year 1987 report, we noted that we found, at two agencies, extensive violations of the Act and related rules and regulations. In view of the extensive contracting authority and violations of the Act at the Department of Human Services (DHS), the Mayor, on October 2, 1987, acted to exclude the making of determinations and findings involving quantum meruit and quantum valebant authorizations from DHS authority. We stated that we planned to audit the two agencies in our next audit cycle, and, if significant improvement was not evident, would recommend additional restrictions on their contracting authority. DHS, in response to our audit of its procurement operations, submitted an action plan outlining improvements in the administration of its contracting function. As a result, DHS has made significant changes in its procurement operations. We are currently conducting an audit of DHS procurement of consultant services and do not believe it will be necessary to recommend any additional restrictions on their contracting authority.

While our reviews at most agencies disclosed a need for improvement in compliance with the Act and related rules and regulations, agencies have modified their procurement practices and procedures in response to the requirements. During our audit of the Department of Housing and Community Development (DHCD) for the period July 1, 1987 through June 30, 1988, we concluded that DHCD was in substantial compliance with the District procurement regulations.

We believe that the internal controls built into the District's new procurement system are operating effectively. The addition of strong central procurement oversight by the Department of Administrative Services and training of procurement personnel will correct many of the deficiencies and associated negative publicity surrounding the contracting policies and procedures of the previous procurement system.

SENATOR ADAMS:
C.1b. Based on your experience in this area, do you believe the contracting process is currently providing D.C. departments and agencies with efficient contracting services? Are department's currently experiencing any significant delays in processing contracts?

MR. GILL:
C.1b. We believe that generally the contracting process is currently providing District agencies with efficient contracting services. To prevent delays in meeting the government's need provisions exist in the present procurement system for both emergency and sole source procurement actions to be utilized only in narrowly defined circumstances where situations warrant their use.

During our reviews of agency operations and during our statutorily required review of procurement solicitation cancellations, we noted instances where District agencies were unable to timely meet the government's need. In these instances, we did not conclude that the contracting process or the additional contract monitoring and review responsibilities of the Department of Administrative Services to be at fault.

In the instances we reviewed where delays occurred in obtaining goods or services to meet an agencies needs, we found:

(1) the using agency issued specifications without adequate preliminary study and analysis of the actual needs and resources of the using agency. Frequently, an IFB or Request for Proposal (RFP) is issued only to be canceled after the using agency determines that the required service or product can be performed in-house or acquired from another agency;

(2) the technical aspects of the specifications were inadequate or deficient in some aspect; or

(3) receipt of bids which far exceeded the government's estimate.

The most obvious effect of the deficiencies noted above, is the inability of the District to timely meet the government's need. Procurements which result from the lack of adequate planning only delay the government's acquisition of required goods and services. The findings reached in procurement audit findings, underscore the urgency of contract training programs for District agency personnel.

In our fiscal year 1988 report, we have made recommendations and have included the agencies comments on our recommendations which will improve the efficiency with which contracting services are provided to the District. In addition, the Director of the Department of Administrative Services, in his capacity as the City's Chief Contracting Officer, has drawn an Action Plan to more closely monitor agencies' compliance with the report's recommendations.

OFFICE OF THE BUDGET

A. CAPITAL PLANNING

CHAIRMAN ADAMS:
1. On page 19 of the District's FY 1990 Capital Plan, the District notes that during FY 1989 a strategic capital plan for FY 1991 through FY 1996 will be developed.

a. What is the current status of this plan?

MR. SIEGEL:
A.1.a. The plan is in its first stage in that we have identified the goal and objectives. The goal is to provide for the development, modernization, or replacement of District-owned facilities and infrastructure on a long-term basis. This goal is consistent with the District's Comprehensive Plan.

The objectives are to show new budget authority and related financing in a multi-year plan. The plan will also demonstrate anticipated reductions in current capital budget authority that is no longer needed or will be used for authority of higher priority projects.

CHAIRMAN ADAMS:
A.1.b. What criteria will this plan use to address the prioritization of DC's capital improvement needs?

MR. SIEGEL:
A.1.b. We are using the following criteria to prioritize capital improvement needs:

1. Health and safety considerations;
2. Feasibility; and
3. Economic costs and benefits to the District.

CHAIRMAN ADAMS:
A.1.c. Based on your current information, will additional prison construction be the District's top priority? If not, what will be?

MR. SIEGEL:
A.1.c. Additional prison construction is a high priority for the District. Practical financial limitations dictate that prison construction will have to be considered along with other equally high District priorities such as education, housing, economic development, and infrastructure improvements in order to combat the conditions that foster criminal activity.

CHAIRMAN ADAMS:
A.1.d. Will the District's 9 percent (debt service/adjusted revenue) ratio be maintained through FY 1996? If so, why? If the District were to use its full 14 percent authority, what operating programs would be reduced?

MR. SIEGEL:
A.1.d. Based on current projections of adjusted revenue and borrowing through FY 1996 (see page 19 of the Capital Plan), the District's ratio of debt service to adjusted revenue should not exceed 9 percent. District financial advisors have consistently recommended against any increase in this ratio above 10 percent. Chief among the reasons for keeping the debt ratio at or below 10 percent are the direct negative funding impact of increased debt service on current operating services and the physical inability of the District to implement such a large increase in capital activity.

For the reasons stated above, the District has not undertaken an analysis to determine which operating programs would be reduced if the debt service ratio was increased to the maximum of 14 percent. Nevertheless, the direct negative funding impact on the District's operating services would range from $174,300,000 in FY 1990 to $240,400,000 in FY 1996.

B. RESOURCES ALLOCATED TO DRUG PROGRAMS

CHAIRMAN ADAMS:
1. Through the District's 1990 budget, various departments and agencies are proposing a variety of initiatives to deal with the District's drug crisis.

a. Please provide a complete listing of all programs identified throughout the 1990 budget as dealing with drug treatment. For each program, please provide the amount appropriated in 1989 and the amount requested in 1990.

b. Please provide a complete listing of all programs identified throughout the 1990 budget as dealing with drug prevention. For each program, please provide the amount appropriated in 1989 and the amount requested in 1990.

c. Please provide a complete listing of all programs identified throughout the 1990 budget as dealing with drug enforcement. For each program, please provide the amount appropriated in 1989 and the amount requested in 1990.

MR. SIEGEL:
B. The following is a breakout by agency of the funds included in the FY 1989 Revised Budget and FY 1990 Budget for drug treatment, drug prevention and drug enforcement.

1. DEPARTMENT OF HUMAN SERVICES

The following is a narrative description and the funding of the programs in the Department of Human Services for drug prevention, education, and treatment:

a. Bureau of Information, Prevention and Education

The Office of Information, Prevention and Education (ADPI) provides activities on substance prevention, information, health promotion and education. The District of Columbia has several drug prevention programs throughout the city. A preventive program that is available to combat the drug epidemic is the following:

EDUCATION AND INFORMATION OUTREACH: This program provides prevention programs for 68,000 students and reaching many more residents through drugmobile visits.

Budgetary Request

FY 1989 Revised Budget		FY 1990 Budget	
Pos.	Amount	Pos.	Amount
15	$2,129,000	15	$2,045,000

b. **Bureau of Drug Treatment Services**

The Bureau of Drug Treatment Services (ADTS) provides centralized intake, pharmaceutical, criminal justice, and multi-modality services to District residents experiencing drug related problems in inpatient and outpatient settings. Recognizing the complexity of drug treatment services, ADASA has 28 different drug treatment programs (of which five are specifically alcohol programs). The following are several community-based substance abuse treatment programs:

PROJECT REACHOUT (Resident Assistance Program): This program establishes drug intervention teams which are deployed to three public housing sites to assess drug and health problems;

PARADE (Parents Rally Against the Drug Epidemic): This program is a prevention initiative which is expecting to organize and train 5,000 parents in support groups throughout the city;

SUMMER YOUTH CAMP: This program is targeting approximately 200 high risk youth and focusing on drug prevention;

OUTPATIENT DRUG ABUSE CLINIC: This program is geared toward helping individuals free themselves of drug abuse in 20 community-based clinics;

RESIDENTIAL DRUG ABUSE CLINICS: This program is providing inpatient therapeutic substance abuse treatment and detoxification in seven major clinics;

HIGH-RISK SCREENING TESTS: This program is conducting approximately 10,000 drug tests for pregnant women.

EXPANSION OF THE WOMENS' SERVICES CLINIC: The extended hours are to address abstinence patients, and to increase ties with the prenatal clinic for substance abusing pregnant women. This program will increase community outreach capability and address issues of substance abuse within DCGH pediatric wards.

These are several of the many community-based substance abuse programs Public Health operates in its war on drugs.

Budgetary Request

FY 1989 Revised Budget		FY 1990 Budget	
Pos.	Amount	Pos.	Amount
108	$19,425,000	108	$20,308,000

The Revised FY 1989 Budget includes an increase of $742,000 for the opening of clinics in Wards 5 and 7.

The FY 1990 Budget includes an increase of $2,215,000 for the following program expansions:

1. substance abuse detoxification treatment:	$400,000
2. medical supplies	100,000
3. drug treatment applicants' stipends	200,000
4. substance abuse contractual services:	
a. abstinence services	1,065,000
b. community-based residential treatment	450,000
Total increase	$2,215,000

The slot capacity for substance abuse treatment will increase by 650 slots.

2. DEPARTMENT OF RECREATION

The major focus of this agency's drug initiative is placed on reaching the youth who are at risk of becoming drug abusers or delinquents. Even though this city is faced with very limited financial resources, the Department of Recreation is committed to making a difference in the lives of our youth who are at risk. This agency will play a major role in providing our youth with positive recreational activity. Although the Department provides a variety of programs the following programs are specifically geared toward the targeted youth at risk.

a. **ROVING LEADERS**: This program was developed in 1956 as a result of consultations among officials of the Police Department, Commissioners Youth Council, and representatives of the Department of Recreation. It is designed to prevent and neutralize juvenile delinquency as well as control hostile youth either individually or in groups. Roving leaders utilize center-based recreational activities as a tool for redirecting anti-social behavior to that which is socially acceptable.

Budgetary Request

FY 1989 Revised Budget		FY 1990 Budget	
Pos.	Amount	Pos.	Amount
40	$1,341,000	22	$838,000

b. **PROJECT OSAY**: In late spring 1986, the Mayor stated that the D.C. government must break the cyclical and pathological nature of the social problems of youth growing up in public housing projects through a humanistic program based on face-to-face relationships with positive role models, and thus the birth of OSAY. Core elements of this preventive program are:

1. Job counseling
2. Drug and alcohol abuse services
3. Truancy prevention
4. Teenage pregnancy education
5. Recreational and cultural activities
6. Delinquency prevention

Budgetary Request

FY 1989 Revised Budget		FY 1990 Budget	
Pos.	Amount	Pos.	Amount
23	$2,026,000	26	$2,285,000

3. **DEPARTMENT OF CORRECTIONS**

a. **Substance Abuse Surveillance**

The substance abuse surveillance unit mission is to identify drug users and deter substance abuse among residents in institutions and community-based programs. This is accomplished through drug testing and counseling. This unit serves as an integral component of the overall success of community-based programs, in particular pre-release centers.

In 1988, the department began a drug treatment pilot program, funded by a federal grant supplied through an intra-District sale from the Office of Criminal Justice Plans and Analysis. This undertaking serves as a planning and development unit preparatory to the opening of the Correctional Treatment Facility. The program compiles data for analysis on a number of issues, including staffing and qualifications; eligibility of clients, clinical program details, treatment approaches, and administrative matters. In order to continue this process in FY 1990 of refining the operational design for the Correctional Treatment Facility and meeting the counseling needs of a portion of the substance abusing prison population, a total of 19 positions and $678,000 are included as an increase in the FY 1990 budget over the authorized budget level from FY 1989.

Budgetary Request

FY 1989 Revised Budget		FY 1990 Budget	
Pos.	Amount	Pos.	Amount
11	$2,203,000	30	$2,891,000

b. **Community Correctional Centers**

Community Correctional Centers, also referred to as halfway houses or work-release centers, are designed to provide a measure of structure to support residents in their transition from incarceration to independent living. They also serve as an alternative to incarceration for some individuals in pretrial status committed directly from the courts. Services provided by these centers include employment assistance, academic and vocational training assistance, and substance abuse counseling, in an effort to maintain a drug-free, responsible and positive attitude.

Budgetary Request

FY 1989 Revised Budget		FY 1990 Budget	
Pos.	Amount	Pos.	Amount
4	$98,442	5	$139,063

4. POLICE DEPARTMENT

While the entire budget of the Police Department is related to law enforcement, the department will concentrate on and emphasize law-enforcement tactics that will curtail conventional crimes while maintaining its vigilance of disruption, interdiction and eradication of illicit narcotics.

Narcotic enforcement will continue to be a major thrust of the agency's policing operations during FY 1989 and FY 1990. The negative effects of street-level narcotic activity frequently contribute to increases in other crimes. Aggressive-enforcement efforts are necessary to control crime increases and to encourage economic development and community revitalization. Effective urban planning dictates that the presence of law enforcement is fundamental to urban renewal and to the continuous expansion of quality neighborhoods. A slight increase in drug arrests is anticipated due to dual emphasis placed on major and street-level drug offenders. These program efforts are designed to cut off the supply of narcotics coming into the city and simultaneously maintain the high intensity of street-level enforcement, thus suppressing open market drug activity that blights the community.

The Department has implemented the Redeployment Program where police officers performing administrative tasks work one day a week on the streets to supplement the existing force. This provides high visability in the high crime areas in an effort to reduce the crime activity. One of the programs that has had a great impact on disrupting street-level narcotics crime is Operation Cleansweep which is operated mainly on overtime.

The Vice Enforcement Program of the Department is another program which is geared toward disrupting narcotic trafficking and street-level drug sales and distribution. The Narcotics

Branch of the Vice Enforcement Program has a Career Narcotics Unit to identify persons and notify the court of their repeated arrests for drug offenses and the Special Emphasis Group which targets the major dealers. All of these program efforts are concentrated on drug enforcement by the Department.

Juvenile crime is increasing. Street-level narcotic activity involving juveniles has been a problem that must be solved if the city is to experience reductions in the level of youth arrested for drug possession and distribution, and the numbers of young offenders processed through the Criminal Justice System. The youth initiative has been established to address the problems of youth crime and to provide an effective youth service system for delinquency prevention and treatment. It is an early intervention plan that will identify, divert and ensure that assistance is provided to youth before they become classified as serious offenders.

In order to fight this war on crime, the Police Department budget includes substantial increases in both FY 1989 and FY 1990. The following is the budget for the police department and the specific increases that relate to the District's efforts to fight the war on drugs:

Budgetary Request

FY 1989 Revised Budget		FY 1990 Budget	
Pos.	Amount	Pos.	Amount
5,002	$207,157,000	5,402	$232,385,000

1. The FY 1989 Budget included an increase as follows:

a. 200 police officers and support costs.	5,418,000
b. 100 police cadets and support costs...	1,238,000
Total	$6,656,000

Thirty eight (38) of the 200 new officers will be assigned to one of the 15 various public housing sites to render high visability patrol and agressively enforce drug trafficking.

2. The FY 1990 Budget includes an increase as follows:

a. 300 police officers..............	8,582,000
b. 100 police cadets.................	569,000
c. Confidential fund................	125,000
d. Non-personal services costs to support police officers including 300 new officers:	
ammunition	160,000
uniforms	401,000
portable radios	836,000
vehicle radios and mobile equipment	2,234,000
radio cases	39,000
radio chargers	78,000

new vehicles	1,282,000
vehicle maintenance	78,000
lights and sirens	201,000
Total	$14,585,000

3. The total overtime budget which includes funding for Operation Cleansweep, the Georgetown Detail as well as court overtime is $14,140,000 for both FY 1989 and FY 1990.

5. OFFICE OF THE CORPORATION COUNSEL

a. Juvenile Delinquency and Neglect

The Juvenile Delinquency and Neglect Program encompasses the prosecution of juveniles who commit drug-related offenses and petitioning the court in neglect cases involving children abandoned by drug-abusing parents.

Budgetary Request

FY 1989 Revised Budget		FY 1990 Budget	
Pos.	Amount	Pos.	Amount
30	$444,708	30	458,000

6. DISTRICT'S WAR ON DRUGS

The Budget Office prepared a fact sheet on the District's efforts to fight the War on Drugs. It points out that the war on drugs is the District's No. 1 priority and sets the record straight about our no-holds-barred commitment to a drug-free community. It also points out the efforts of other District agencies who play an important role in fighting the war on drugs. The fact sheet follows.

The District's War on Drugs
A Fact Sheet

Despite unprecedented local law enforcement, treatment, and prevention efforts, the drug problem in the District of Columbia has worsened dramatically over the last few years.

While drugs and drug-related crime occupy the headlines, the real story behind the District's battle against the drug menace remains largely untold. The war on drugs is the District's No. 1 priority, and it is time to set the record straight about our no-holds-barred commitment to a drug-free community.

It is time for some facts.

The problem of drugs and drug-related violence in Washington, D.C., is serious, and it is being addressed by the District government. *But the District is not the nation's major-crime capital.*

According to 1988 FBI Uniform Crime Report data, the ten U.S. cities (populations over 400,000) with the highest rates of serious crime, including homicide, are as follows:

1 Atlanta, GA
2 Fort Worth, TX
3 Dallas, TX
4 Seattle, WA
5 Jacksonville, FL
6 St. Louis, MO
7 San Antonio, TX
8 Kansas City, MO
9 Detroit, MI
10 Boston, MA

Washington, D.C., ranks 16th.
(Ranking of FBI data prepared by D.C. Office of Criminal Justice Plans and Analysis, May 1989)

The drug epidemic is a national problem, not just a local phenomenon.

- Abundant drug supplies--especially of cocaine and its cheap, addictive derivative "crack"--have greatly compounded the nation's and the District's drug problem.
- The Federal government has been unsuccessful in stopping the flow of drugs into the country and has aided some of the very nations responsible for drug production and export.
- It is estimated that over one-third of the nation's recently convicted prisoners were imprisoned for drug offenses.

The District is beefing up its police force.

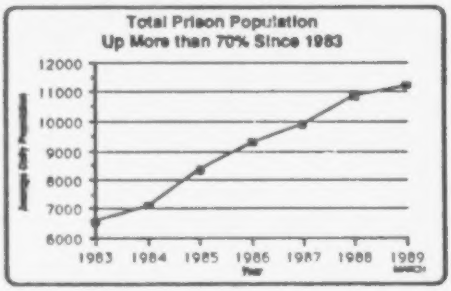
District-initiated, locally funded actions are adding officers to the force and increasing its on-the-beat strength:

- 200 officers added in the approved FY 1989 budget
- 300 additional officers requested in the District's FY 1990 budget
- 118 officers on disability to be retired and replaced
- 450-plus officers recently reassigned from administrative duties to street patrol to meet the challenge with every available resource

District of Columbia Government
Marion Barry Jr., Mayor
Prepared by the Office of the Budget—May 1989

The District has consistently made more drug arrests per capita than any other city in the nation.* And the growth in our prison population reflects that effort.

*Uniform Crime Reports, 1983-1987, Federal Bureau of Investigation


Total Prison Population
Up More than 70% Since 1983

Expanding the correctional system has been difficult and costly, but the District has made important progress.

On the plus side:

- Prison design-capacity expanded by about 2,000 beds since 1983, at an average cost of $25,000-$30,000 per space
- Community half-way house use more than doubled in the same time period
- $150 million in new authority requested in the District's revised FY 1989 and FY 1990 capital budgets for prison construction, including a jail in the Judiciary Square area

On the down side:

- District's 1988 request to add 800 spaces at the Lorton facility—using $45 million of local money—delayed by Congress
- District's construction project (October 1986) for 800-bed facility in Southeast Washington, D.C., delayed by Senate action for more than a year, with subsequent citizen-initiated court action still blocking construction

The District's law enforcement programs are aggressive and tough.

Spearheading the District's assault on drugs is one of the finest police forces in the country, the Metropolitan Police Department. The department has dedicated manpower and resources to special anti-drug activities, including:

Operation Clean Sweep. Initiated in August 1986, this program attacks street-level activity through various tactics, including buy-busts, observation posts, road blocks, saturation patrols, and jump-out squads. As of March 15, 1989, Clean Sweep had compiled a remarkable record:

- 46, 407 total arrests
- $2.3 million in recovered drug proceeds
- 1,744 confiscated weapons

Asset Seizure. To hit drug traffickers where it seems to hurt them the most–in the pocketbook–a Financial Investigation Unit was established in May 1987. Through January 1989, the unit had seized bank accounts and property assets totaling more than $6.2 million.

Drug Interdiction. Since October 1987, a special Drug Interdiction Unit has monitored trains and buses to identify and arrest drug smugglers. The unit's efforts have kept drugs valued at more than $17 million from reaching our streets.

Joint Federal-Local Operations. A task force was established in 1978 that combines Metropolitan Police Department officers–deputized as Federal agents–and Federal Drug Enforcement Administration (DEA) agents to investigate major drug traffickers throughout the metropolitan region.

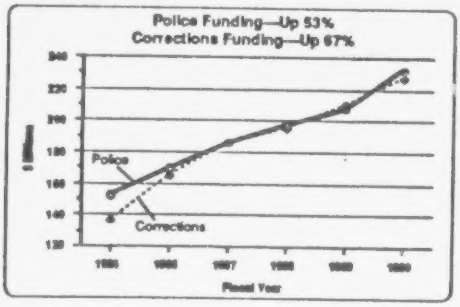
In a recent breakthrough, the joint task force, which included Prince George's County police officers, broke up a drug ring responsible for an estimated 20 percent of the region's drug trade.

Career Criminal Targeting. To keep repeat offenders, particularly drug dealers and street thugs, off the streets and behind bars, a special unit identifies career criminals from daily arrest lists and works with the U.S. Attorney's Office to prevent them from being released on bail.

The District continues to put its money where its drug-busting, crime-fighting priorities are.

◆ In the District's proposed FY 1990 budget, funding for Public Safety consumes the largest single share of resources.

◆ Funding for police and corrections will have been increased by 53 percent and 67 percent, respectively, since FY 1985, compared with all non-Public Safety functions, which will have increased just 39 percent.

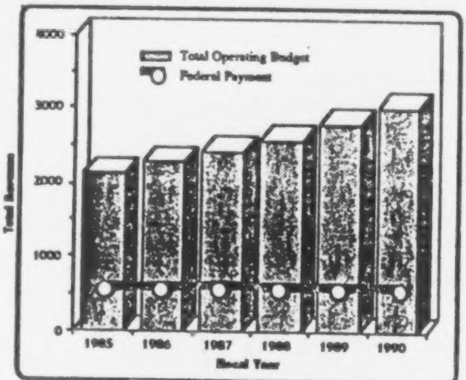


The Federal government is the biggest business and the largest property owner in the District. Unlike other sectors of the community, however, it is not contributing its fair share of costs.

◆ The Federal government relies on District services just as the average citizen does.

◆ But as local revenue has grown to meet new challenges, such as the war on drugs, the Federal payment–a payment *owed* to the District in place of taxes–has remained virtually flat.

◆ As a share of the District's operating resources, the Federal payment will have declined from over 20 percent to about 14 percent from FY 1985 to FY 1990, leaving local taxpayers to make up the difference.



The static Federal payment will short-change the District by over $180 million in FY 1990—money that could be devoted to the war on drugs.

Treatment and prevention programs are as vital as law enforcement in combating drugs.

The drug problem is too complex to be solved through a strategy of arrest and incarceration alone. The demand for drugs must be reduced.

That goal is the centerpiece of Operation Fight Back, the District's comprehensive approach to winning the war on drugs through a combination of law enforcement, prevention, and treatment efforts.

Focusing on youths in areas of the city where drug abuse and violence are most prevalent, those prevention and treatment efforts include:

Youth Services Programs

◆ Project OSAY (Operating Services Assisting Youth)—helping up to 30,000 young people and their families in public housing units to break cycles of poverty, drug abuse, and delinquency

◆ Student Tutorial and Recreational Support (STARS)—employing high school students as tutors for elementary students and providing cultural and recreational activities for 2,000 children through 104 youth clubs at OSAY hub sites

◆ Roving Leader Program—providing crisis intervention and service referrals for at-risk youths

◆ Project Safe Place—establishing a haven for runaways at local fire stations that arrange for drug counseling and other services

Youth Employment Programs

- In-School Employment—enrolling almost 4,000 students, especially high-risk youths, in part-time jobs to build self-esteem and keep them off the streets
- Out-of-School Employment—providing jobs for over one thousand 16- to 24-year olds who have been unemployed or out of school for 30 days or more
- Summer Youth Employment—guaranteeing a summer job to every youth who wants one, about 15,500 participants in 1988
- Project Success—guaranteeing a job or job training to every graduating high school senior who needs the help, about 500 participants in 1988
- Job Corps Referrals—providing long-term job training for high-risk youths 16- to 21-years old
- Youth Patrols—hiring youths to act as peer role models in 13 public housing properties, in conjunction with the Kenilworth Resident Management Council

Youth Education Programs

- Public Education—including special training for all educational staff and comprehensive drug abuse education and counseling programs for all students, kindergarten through Grade 12
- Peer Counseling Program—training student athletes to become peer counselors to provide in-school counseling for fellow students
- Lorton Youth Prison Awareness Project—exposing up to 20 high-risk youths twice a month at OSAY hub sites to the effects of incarcertion through sessions with Lorton inmates

Criminal Justice Initiatives

- Substance Abuse Surveillance—conducting an average of 6,500 drug tests per month in the correctional system
- Drug Interdiction—aggressively screening all those visiting correctional facilities
- Intensive Drug Counseling—providing services to inmates, with special focus on pre-release status prisoners and half-way house residents
- Drug Treatment Pilot Program—treating inmates with serious drug histories, starting with a 32-bed facility in 1989
- In-Prison Academic and Vocational Training—preparing inmates for productive work upon return to the community
- Pretrial Release Drug Monitoring—identifying drug-positive defendants and providing counseling and treatment services
- Project Personal Promise—training and certifying parole officers as substance abuse counselors; monitoring parolee drug use

Regulatory Actions

- Public Housing Evictions—instituting new procedures to evict public housing tenants involved in drug trafficking
- Medical-Pharmacy License Revocations—expediting revocation of health care professionals' licenses for diverting drugs to illegal uses
- "Crack House" Reclamations—securing abandoned and vacant buildings to prevent their use in the drug trade
- Operation Take Charge—implementing a new curfew law for juveniles and organizing parents to take charge of their families

Community-Based Substance Abuse Treatment & Education

- Education and Information Outreach—providing prevention programs for 68,000 students and reaching many more residents through drugmobile visits
- High-Risk Screening Tests—conducting almost 10,000 drug tests for pregnant women
- Project Reachout—establishing drug intervention teams at public housing sites to assess drug and health problems
- Project PARADE (Parents Rally Against the Drug Epidemic)—expecting to organize and train 5,000 parents in support groups across the city
- Summer Youth Camp—targeting about 200 high-risk youths and focusing on drug prevention
- Outpatient Drug Abuse Clinics—helping people free themselves from drug slavery in 20 community-based clinics, adding 2 more clinics in 1990
- Residential Drug Abuse Clinics—providing inpatient therapeutic substance abuse treatment and detoxification at 7 major clinics
- Specially Targeted Programs—including Treatment and Rehabilitation of Addicts in Need (TRAIN), Services Helping Addicts Come Klean (SHACK), Capitol East Addiction Services for Encouraging Development (CEASED), Youth Comprehensive Abstinence Program (YCAP), and other efforts that enroll thousands of residents in the war on drugs

The District government intends to win the war on drugs and ensure the public's safety. But the fight to turn the tide of drug abuse and drug violence cannot be a one-dimensional battle. It must be fought on all fronts with all the resources we can bring to bear.

SENATOR ADAMS:
C. One of the major problems confronting the District is the unfunded pension liability. Various estimates have been put forth regarding the costs associated with this problem. However, the Committee would appreciate your comments on the following.

1. What is the dollar magnitude of this problem?

MR. SIEGEL:
C.1. At the end of fiscal year 1988, the actuarial present value of the unfunded future pension benefits was $4.4 billion. This amount represents 1,121.8 percent of annual covered payrolls. In FY 1988, the total District-federal-employee contribution totalled $261.0 million. Because that contribution comprised only 65 percent of the real pension cost for that year (assuming the unit credit actuarial cost method and amortization over 25 years of the unfunded liability), the unfunded liability grew during FY 1988, as it has every year. The fact is that the combined contributions of the three parties are not enough to accumulate sufficient assets to pay pension benefits when they become due. Under the Retirement Reform Act of 1979, the District is not required to contribute normal cost, or the present value of retirement benefits earned by District employees in the stated year, until 2005. At that time the District must also begin to pay interest on the unfunded liability into the pension funds. A past calculation showed that in 2005 the total District contribution must be 98.9 percent of covered payroll, or 11.4 percent of District revenue, compared with a contribution that currently amounts to 5.3 percent of revenue.

SENATOR ADAMS:
C.2. On a yearly cash flow basis how does the problem project to impact District finances?

MR. SIEGEL:
C.2. The existence of the large unfunded pension liability at the time of Home Rule has forced District contributions to be on a pay-as-you-go basis greatly in excess of normal costs. That is to say, the lack of fund assets and associated interest earnings forces the District to pay more into the funds for current benefits. The disparity between required District contributions and normal costs is growing because the unfunded liability is growing. In FY 1988, the District contributed $180.3 million, and normal costs, net of employee contributions, were $106.6 million, for a difference of $73.7 million. In 1980, it was estimated that by 2004, the difference would become $214.5 million, and by 2005, when the higher contribution level begins, the disparity would become $459.8 million. It is this large and growing difference between what the District would be paying if the pensions had been adequately funded from the beginning and what the District must actually pay that aggravates the District's cash flow and adds to its financial burden.

SENATOR ADAMS:
C.3. Could this problem bankrupt either the District government or the taxpayers, particularly in conjunction with regular services?

MAYOR BARRY:
C.3. As large and as serious as the unfunded pension liability problem is, we would never allow it to bankrupt the government. However, if the current law and financial arrangements remain unchanged, by 2005, at the latest, the District government will have to raise taxes substantially and/or reduce services markedly to fulfill the requirements of the Retirement Reform Act. Service reductions over the next 15 years are not unlikely, especially in light of the fact that other financial mandates will add to the total fiscal burden. Those mandates include the rehabilitation and replacement of highways, bridges, an aging Metro plant and equipment and operating new and expanded prisons. The services that could be displaced in an effort to pay for the new mandates would probably run the gamut and would most likely be what could be characterized as "non-core" services. Thus the expenditures that could be subject to cutback could include aspects of health and social services to low-income groups, housing and employment assistance, street and public space maintenance, administrative functions, specialized services in public education and public safety, and selected items of capital outlay. We are already reducing services in FY 1989 and FY 1990 to stay within available resources.

SENATOR ADAMS:
C.4. What are your plans to handle this problem?

MAYOR BARRY:
C.4. While we have been examining methods for coping with our inherited unfunded pension liability over the past ten years, an equitable solution has avoided us. Since enactment of the Retirement Reform Act in 1979, I have consistently appointed highly competent people to the Retirement Board. The Board has invested pension funds prudently, and the assets have been growing. Additionally, the Retirement Board has unsuccessfully sued the federal government in an effort to force it to shoulder what in fairness constitutes its responsibility to pay more than the existing statutory $52 million per year through the year 2004 to the fund.

DEPARTMENT OF FINANCE AND REVENUE

SENATOR ADAMS:
1. With the position reductions in Audit, Compliance and Investigation, page REV-CA-2, the ability of the District to recover funds will be reduced.

   a. What is the estimated loss in revenue due to these reductions?

MR. THOMAS:
1. The budgeted revenue estimates are based upon the level of resources for the Department as reflected in the budget. We hope to maintain productivity and avoid revenue loss by shifting

resources. In any event, we will work to minimize revenue loss due to budget constraints.

SENATOR ADAMS:
2. Is the increase in tax turnaround time, page CA-27, due to reductions in full-time or temporary staff?

MR. THOMAS:
2. The increase in tax turnaround time is a direct result of the delay in hiring and the shortage of temporary staff in the Department's tax processing area.

SENATOR ADAMS:
3. What impact, if any, remains on District tax operations from recent changes in Federal tax law?

MR. THOMAS:
3. The District of Columbia reacted to Tax Reform Act of 1986 by conforming to the revised federal income and deduction definitions. In addition, the District returned the entire individual income, corporate franchise and unincorporated franchise tax "windfall" to taxpayers through a number of changes. The individual income tax was simplified by reducing the number of tax brackets from 10 to 3. The top individual income tax rate was reduced from 11 to 9.5 percent. An estimated 55,000 low income taxpayers were relieved of all individual income tax liability. The standard deduction was increased from $1,000 to $2,000 while the personal exemption was increased in stages from $750 to $1,370 by 1991. For the corporate franchise and unincorporated franchise taxes, the rate was reduced from 10.5 to 10.25 percent and a net operating loss (NOL) deduction was instituted.

Partially due to overestimates on the federal level of the effects of tax reform on the corporate income tax, the District, along with several other states (Massachusetts, New York, Connecticut, Maryland, etc.), had lower corporate franchise tax collections than expected in FY 1988. The District's negative corporate franchise tax variance of $24.1 million was small compared to that in some states.

The FY 1990 budget currently before the Congress includes the effects of conformity to the Technical Amendments and Miscellaneous Revenue Act of 1988. The revenue effects of these changes are estimated to be less than $0.5 million in FY 1990.

In summary, the District's response to the various recent federal law changes has contributed to the overall equity in the business and individual income tax programs of the city, as well as made it easier for taxpayers to comply with the tax filing obligation. While taxpayer behavior patterns have been significantly influenced by the federal and local law changes and, in some cases, these changes have been enacted prospectively through 1991, we are of the opinion that these actions are and will continue to be positive for both the taxpayers and the government.

SENATOR ADAMS:
4. Are additional position reductions anticipated in tax processing or real property tax operations in response to the District's budget situation?

MR. THOMAS:
4. In order to meet our revised FY 1989 budget mark, we have reluctantly imposed a virtual hiring freeze. At the end of February 1989 we had 32 vacancies. To stay within our budget, we estimate that we will need to end the year with 72 vacancies. Thus, in general, we are unable to fill vacant positions as they occur through the remainder of the fiscal year. Although we have no control over which positions will become vacant, our experience indicates that we can expect them to be spread throughout the department.

SENATOR ADAMS:
4a. At what point can automation no longer offset position reductions?

MR. THOMAS:
4a. We are in the midst of a multi-year automation effort that features development and expansion of a Local Area Network of microcomputers, phased implementation of scanning as a means of streamlining document processing, and continued improvements to our automated systems and databases for business, income and real property taxes. Rather than eliminate the need for certain positions, automation has enhanced employee productivity and has enabled us to meet increased workload demands without adding additional staff.

SENATOR ADAMS:
5. What reductions in positions will be directly visible to the taxpayer?

MR. THOMAS
5. The delay in tax refunds, discussed above, is due to staff shortages. In addition, taxpayer assistance will be affected, as delays in responding to mail and telephone inquiries are expected.

OFFICE OF PERSONNEL

SENATOR ADAMS:
1a. The text of your Program Funding Summary indicates that your office may not be able to meet the needs of District agencies in a timely manner. Is this due solely to the redirection in positions?

MR. TILDON:
1a. The anticipated decline in timely responsiveness to District agencies is due primarily to position reductions, though new program requirements may to a lesser degree have some negative impact on service delivery.

SENATOR ADAMS:
1b. How do you plan to determine priorities among District agencies needs?

MR. TILDON:
1b. The Office of Personnel is developing a listing of known city-wide categories of priority actions. Prior to FY 1990, representatives of the Servicing Personnel Offices will hold discussions with managerial personnel of District agencies to determine appropriate individual agency priorities within these categories. The Office of Personnel will require that all requests be coded to reflect the appropriate processing priority.

SENATOR ADAMS:
1c. What will be the impact on central office operations when staff are detailed to field operations?

MR. TILDON:
1c. The detail of staff of the Bureau of Field Services would have an impact on field audit operations and the ongoing development of standard position descriptions. The detail of personnel assigned to the Office of Policy, Standards and Judicial Review would have an impact on the development and issuance of rules, regulations and procedures and the update of the District Personnel Manual. The severity of such impacts would be dependent upon the length of the detail and complexity of the resultant central office work backlogs.

SENATOR ADAMS:
1d. How will your office respond to the resource requirements to combat drugs and still reasonably hope to meet everyday demands?

MR. TILDON:
1d. In anticipation of an increase in the number of authorized police officer positions in FY 1990 for combating the District's drug problem, the Office of Personnel and the Metropolitan Police Department have begun to develop a strategy for an intensified recruitment campaign to recruit and employ the additional workforce at the earliest possible date. The District and neighboring jurisdictions have been unable of late to satisfy their recruitment needs in the immediate area as the local recruitment base is essentially exhausted. Consequently, the two agencies are aggressively pursuing the determination of new recruitment avenues, analyzing unemployment and demographic data to determine target areas for recruitment, developing media advertisements and scripts for radio announcements, and determining costs of travel, per diem, printing, etc. The Department of Employment Services is also providing information on unemployment statistics, disseminating information to unemployment centers, and arranging for examinations to be administered by District officials in state unemployment centers. We expect to be able to utilize state and local employment services and facilities without charge, and will expedite the testing and scoring of applicants, as well as physical examinations and background investigations. The total recruitment effort will be a joint venture, with both the Metropolitan Police Department and the Office of Personnel contributing all available staff

and resources in the campaign. In addition, the Metropolitan Police Department is requesting additional funding in FY 1990 to fund the joint effort and the first cadre of newly recruited offices are expected to be employed in January, 1990, with additional groups of 100 reporting monthly thereafter until all available positions are encumbered.

SENATOR ADAMS:
2a. On page BE-3 you noted that the substantial reductions in assembled examinations administered and number of examinees was due to changes in requirements for examination administration. Please clarify.

MR. TILDON:
2a. The requirements for examination have changed as a result of several events. Specifically, no fire entry-level or promotional examinations have been administered since FY 1984. The Court has directed the development and administration of a new entry-level examination, which is scheduled for implementation in FY 1989. New promotional examinations are also being developed under court order and are scheduled to be completed and administered in FY 1990. No entry-level examinations have been administered in the Department of Corrections for correctional officers in prior years. New examinations are under development and are anticipated to be completed and administered in FY 1990. The most significant change in numbers of assembled examinations and in examinees is due to the transfer of responsibility for administration of the typing proficiency examination to the Department of Employment Services.

SENATOR ADAMS:
2b. How and by whom were requirements changed?

MR. TILDON:
2b. The requirements for fire entry-level and promotional examinations were directed by the U.S. Distict Court. The development and administration of entry-level correctional examinations and the change in administration of the typing proficiency examination are the result of mutual agreement by the Department of Corrections, the Department of Employment Services, and the Office of Personnel.

SENATOR ADAMS:
2c. Do impacted District agencies know of these changes?

MR. TILDON:
2c. The agencies affected by these changes are fully aware of the changes and are actively participating in the implementation thereof.

SENATOR ADAMS:
2d. Isn't the bottom line that you no longer have the resources to function fully and in a timely manner?

MR TILDON:
2d. The resources committed to the development/administration of assembled examinations are unchanged from FY

1989. Only the responsibility for administration of the typing proficiency examination has been transferred.

SENATOR ADAMS:
3. What is your rationale for the drop in greivances/arbitrations as shown in your Program Performance data on page BE-3?

MR. TILDON:
3. The numbers of grievances and arbitrations are expected to decrease due to commencement of contract negotiations. There will be increased emphasis on settlement procedures such as grievance mediation.

SENATOR ADAMS:
4a. Returning to your reduced funding levels and thus reduced staff the discussion on page BE-9 paints a bleak picture. What other sources of funds are meant in regards to the pay equity study, etc.?

MR. TILDON:
4a. The Office of Personnel will request that costs incurred in the conduct of a pay equity study be equitably shared by District agencies under the jurisdiction of the Mayor and that funding be made available to the Office of Personnel through the intra-District process.

SENATOR ADAMS:
4b. How serious are the delays going to be for District agencies?

MR. TILDON:
4b. It is anticipated that the system envisioned for prioritizing service requests, and periodic details or reassignment of personnel should eliminate the most serious actions delays that had been anticipated. Every effort will be made to minimize impact on mandatory, federally funded, revenue producing programs, etc. By first servicing those programs identified by agency managers as high priority, departments should be able to lessen the most significant impact on city services that would result from actions processing delays.

SENATOR ADAMS:
4c. Why is your office seemingly being asked to cut staffing so sharply as to disrupt services? What is the Mayor's justification for this cut?

MR. TILDON:
4c. Due to financial constraints of the city, District agencies were required to share in resource reductions to effect budget balance.

SENATOR ADAMS:
5a. On page BE-11 the Program Performance Data show that no typing examinations will be administered in FY 90. The rate of reduction since FY 87 is remarkable but also troubling. Are these types of positions being tested in another manner?

MR. TILDON:
5a. The data shown on page BE-11 reflects that these examinations will not be administered in FY 1990 by the Office of Personnel. The responsibility for this testing has been delegated to the Department of Employment Services which now administers a universal typing proficiency examination acceptable to government entities and private industry.

SENATOR ADAMS:
5b. How are registers being maintained if fewer and fewer tests are given?

MR. TILDON:
5b. The number of tests administered is not anticipated to decline in the new testing agency. On the contrary, it is expected that more applicants will be tested as the department of Employment Services administers these tests at eight locations throughout the city. Consequently, it is envisioned that there will be an increase in the numbers of qualified applicants available to selecting officials.

SENATOR ADAMS:
6. Also, on page BE-11, please explain the anticipated major drop in retirement application.

MR. TILDON:
6. The FY 1989 estimate of retirement applications processed included an estimated 700 employees who would retire under early-out authority approved by the Office of Personnel Management for the period February 1, 1989 through March 31, 1989. The decrease in FY 1990 represents a more traditional estimate of employees who will attain retirement eligibility in the budget year.

METROPOLITAN POLICE DEPARTMENT

A. Civilianization Program

SENATOR ADAMS:
1. Chief Turner noted in last year's hearing (p84) that the civilianization program (a program aimed at shifting officers from desk jobs back onto the streets) had been "partially accomplished."

SENATOR ADAMS:
1a. How many officers have actually been shifted from desk jobs back onto the streets through this program?

CHIEF TURNER:
1a. The department has been experiencing a tremendous problem with retention of civilian employees hired under the civilianization program. The primary criticisms expressed by these

employees has been the lack of pay equity, in comparison to other law enforcement jurisdictions; stressful assignments; and problems associated with the residency requirement. As a result of these problems, in many instances sworn members have had to remain in these positions targeted for civilianization. For example, as of May 1989, only 57 officers have left the Communications Division through reassignment to districts, promotions, terminations, retirements or other forms of attrition.

The department is not totally satisfied with the program's rate of progress. However, we are hopeful that with continued emphasis on recruitment and placing greater attention on retaining our present civilian employees, this program will be greatly enhanced.

SENATOR ADAMS:
1b. What impact has this program had on increasing the department's ability to deploy police officers in high risk drug areas?

CHIEF TURNER:
1b. Due to the relatively low number of officers returning to "street duty", those returning officers have had a moderate impact on the department's ability to deploy police officers in high risk drug areas.

SENATOR ADAMS:
1c. How many officers will eventually be shifted by this program?

CHIEF TURNER:
1c. A total of 176 officers will eventually be shifted to street assignments if retirements and other forms of attrition options are not exercised.

B. Police Officer Retirements

SENATOR ADAMS:
1. The ability of the MPD to meet D.C.'s drug crisis will be determined, in part, by the availability of trained officers.

SENATOR ADAMS:
1a. For FY 88 thru FY 93, please provide for each year, the total number of full time police officers on duty and the number of these officers who will be eligible to retire.

CHIEF TURNER:

1a. The total average number of full time police officers on duty for fiscal years 1988 and 1989 are as follows:

- FY 1988 - 3,859
- FY 1989 - 3,913* (* Oct.- Apr. 1989)

Although, it is not certain what the actual number of full time police officers, on duty, will be for fiscal years 1990, the department's budget, as approved by the City Council allows for 4,355 positions. This includes 300 positions over FY 89. Not knowing the final disposition of our request for an additional 700 officer positions prohibits any projections for fiscal year 1991 through 1993.

Based on our projections, the following members will become eligible for retirement for the period covering 1988 through 1993:

1988	1989	1990	1991	1992	1993
144	219	349	292	265	247

SENATOR ADAMS:

1b. Historically, what percentage of officers who are eligible to retire actually retire?

(1) Within 1 year of eligibility
(2) Within 1 to 3 years of eligibility
(3) Within 3 to 5 years of eligibility

CHIEF TURNER:

1b. Historically, of the officers eligible to retire in a given year the following represents the percentage that actually retires in that year:

a. 34% leave during the calendar year in which they become eligible to retire

b. 11% leave during the second calendar year in which they are eligible to retire.

c. 12% leave during their third calendar year of eligibility.

d. 8% leave during their fourth calendar year of eligibility.

e. 4% leave during their fifth calendar year of eligibility.

f. 4.5% retire in each subsequent calendar year thereafter.

C. Arrest Figures

SENATOR ADAMS:
1. For FY 88 and 89 to date, provide the total number of murders that have been drug-related and how many individuals have been arrested for these murders.

CHIEF TURNER:
1. During FY 1988 and FY 1989 to date the total number of drug-related homicides compared to arrests are as follows:

	Drug-Related Homicides	Arrests
1988	184	162
1989	179*	104*

(* As of 5/24/89)

SENATOR ADAMS:
2. For FY 88 and FY 89 to date, provide the total number of drug arrests and the percentage of these arrests which were multiple arrests of the same individual.

CHIEF TURNER:
2. During FY 1988 and FY 1989 to date, the total number of adult drug arrests was 13,293 in FY 1988 and 6,535 thus far in FY 1989.

The percentage of total adult drug arrests that resulted in multiple arrests of the same individual in FY 1988 was 17.4% and 15.3% in FY 1989 to date.

SENATOR ADAMS:
3. Why are juvenile arrests projected to decrease while juvenile recidivism will increase in FY 90? (See Volume II pg 977).

CHIEF TURNER:
3. In response to the decrease in juvenile arrest, the department firmly believes that through the continued success of the Early Intervention Program ,which is designed to divert high-risk youth from becoming involved in the criminal justice system, the level of juvenile arrests will decline slightly in FY 1990.

However, as it relates to the 63% rate of juvenile recidivism for FY 1990, this projection should read 53% and not 63% as reflected in Volume II p 977.

D. Deployment of Resources

SENATOR ADAMS:
1. The District's "Comprehensive Request for Increased Federal Support "dated March 31, 1989, calls for the addition of 800 new police officers.

SENATOR ADAMS:
1a. Please explain how these new police officers will be deployed. Specifically, how many will be deployed in Administration, Field Operations Bureau, Administrative Service Bureau, Technical Services Bureau and Inspectional Services.

CHIEF TURNER:
1a. The department's policy has historically been to assign all newly hired police recruits to positions within the seven police districts. As openings become available in other units/bureaus within the department, and the officer meets the specified qualifications of the announcement, he/she is encouraged to apply to other areas of interest.

Therefore as the department reaches its hiring goal of 800 additional officers they will be assigned to the police districts experiencing the greatest degree of criminal activity.

SENATOR ADAMS:
1b. For those deployed in Inspectional Services Bureau, how many will be deployed in the Morals Division which conducts programs "disrupt drug traffic?"

CHIEF TURNER:
1b. As stated above, all of the 800 new officers will be assigned to the Field Operations Bureau because it is the element primarly responsible for conducting "street-duty" activities. Also, this bureau is responsible for the initial identification of open-air drug markets and the disruption of street-level drug trafficking, throughout the seven police districts.

The Morals Division, however, has the primary responsibility for tracking major drug cases and coordinating investigations with the MPD/DEA Task Force, ATF, etc. and other local law enforcement agencies. The members assigned to this bureau are tasked with tracking major cases across police district and regional boundaries. Although, the Morals Division does, on occasion, engage in street-duty activity, this in not their primary objective.

E. Asset Seizure

SENATOR ADAMS:
1. On p 1013 of Volume II of the District's budget, the District reports that in FY 88 it seized over 5.9 million dollars worth of drug dealers assets for forfeiture, on page 977 of Volume II, the District reveals that its available

revenues will include $250,000 from its drug asset seizure program.

SENATOR ADAMS:
1a. How did the $5.9 million turn into $250,000?

CHIEF TURNER:
1a. In response to your question concerning the $5.9 million turning into $250,000, several factors are in need of clarification. First, the $5.9 million referenced in Volume II, page 1013 merely represents the appraisers intake value that is affixed to all seized property at the time in which it is transferred for forfeiture consideration. The value of these items cannot, in any way, be considered potential revenue until such time as it is accepted into the liable process. During this lengthy process, which generally averages 3-4 years, items such as vehicles and homes are likely to be returned to the original owner and never reach the second phase of the liable process.

Secondly, with the exception of cash and real property, personal property items that remain in the forfeiture process undergo a rapid rate of depreciation up to the time of deposit into the agency's budget or general fund. Also, in those instances when seizures are made, in conjunction with other federal or local law enforcement jurisdictions, this agency receives only a percentage of the valued property. In general terms, the percentage of revenue given to the participating agencies is determined by the number of manhours devoted to the actual investigation and seizure.

Finally, the $250,000 on page 977 of Volume II represents the agency's projection of asset seizure revenues for FY 1989 and does not represent the total revenue received during FY 1988. During FY 1988 the agency received $2,961,999 in asset forfeiture revenues.

SENATOR ADAMS:
1b. How much return does the District normally realize on the real and personal property that it seizes?

CHIEF TURNER:
1b. Historically, the District has realized a 90% return in value on all real property and 20% of the personal property that is seized.

SENATOR ADAMS:
1c. Please breakdown the $5.9 million seized in FY 88 by the following categories:

(1) Cash
(2) Real property
(3) Vehicles, boats, planes
(4) Other (jewelry, electronics, etc.)

CHIEF TURNER:
1c. The following represents the breakdown of the $5.9 million in seized property in FY 1988:

1)	Cash	$3,127,000	53%
2)	Real Property	1,138,700	19.3%
3)	Vehicles, boats planes	1,534,000	26%
4)	Other (jewelry, etc.)	100,300	1.7%
		$5,900,000	100%

OFFICE OF CRIMINAL JUSTICE PLANS AND ANALYSIS

SENATOR ADAMS:
1. DC's "Comprehensive Request For Increased Support" dated March 31, 1989. What role did the Office play in pulling together this request? Who had overall accountability for the entire request?

MS. WILSON:
1. Under the direction of the City Administrator, the Office solicited the advice and requests of the various District agencies involved in anti-drug abuse programs and then drafted the request. The request was reviewed and approved by the City Administrator before release.

SENATOR ADAMS:
2. What are DC's government-wide goals in the areas of drug enforcement, drug treatment and drug prevention?

MS. WILSON:
2. In the area of drug enforcement the overall goal is to reduce The supply of illegal drugs in the District to as close to zero as possible. To achieve this goal, there are a number of subgoals or objectives: (1) to close down any manufacturing or processing of illegal drugs occurring in the District, (2) to interdict the importation of illegal drugs into the District, (3) to detect, arrest and convict anyone selling or distributing illegal drugs in the District and (4) to control the associated level of violence and other crimes that often accompany illegal drug activities.

In the area of drug prevention and treatment the overall goal is to reduce the demand for illegal drugs in the District to as close to zero as possible. To achieve this goal, as well, there are a number of subgoals or objectives: (1) to prevent initial or addictive use of illegal drugs by school age children, (2) to prevent initial or addictive use of illegal drugs by other high-risk groups, such as public housing residents and pregnant women, (3) to prevent initial or addictive use of illegal drugs by the general population through a

series of measures that educate the public about the dangers of those drugs and lends a negative value to drug use, (4) to reduce or eliminate drug abuse among persons under the custody of the District, such as prisoners or parolees, who are already drug dependent, (5) to reduce or eliminate drug abuse among District government employees who may be drug dependent, (6) to reduce or eliminate drug abuse among school age and college age youth who may be drug dependent and (7) finally, to reduce or eliminate drug abuse among members of the general public who may be drug dependent.

SENATOR ADAMS:
2a. What measures of efficiency do you believe should be employed to assess DC's progress in the drug enforcement, drug treatment and drug prevention areas?

MS. WILSON:
2a. The drug abuse problem in the District and throughout the nation is so large and complicated that the question of efficiency has not been addressed yet. The emphasis up to this point has been on utilizing the full resources of the criminal justice system in an attempt to contain the problem and at the same time to experiment with various alternative strategies to reverse the upward trend in numbers of persons involved in the problem. When we obtain more evaluative data about the new strategies and programs, we can address the issue of more efficient use of resources.

However, one insight about efficiency has become clear. Considering the cost of arresting, prosecuting, adjudicating and incarcerating persons, not to mention the cost of productivity loss by drug abusers, drug prevention has to be a more efficient use of resources in the fight against drugs. When we have developed better information and programs in the prevention area, that area should receive priority attention in the District and the nation's anti-drug abuse plan.

SENATOR ADAMS:
2b. What measures of effectiveness do you believe should be employed to assess DC's progress in the drug enforcement, drug treatment and drug prevention areas?

Ms. WILSON:
2b. The basic measure of effectiveness for any program is how well it achieves its objectives and then how well those objectives assist in the achievement of the overall goal(s). Therefore, any specific effectiveness measure in the anti-drug abuse field depends on the specific program and its objectives and overall goals. In the area of drug enforcement, the measures will be related to how well the program reduces the supply of illegal drugs; in the area of drug prevention, the measures will be related to how well the programs prevent the targeted population from becoming involved in drug abuse; and in the area of drug treatment, the measures will be related to how well the programs enable the targeted population to reduce and eliminate drug dependency.

SENATOR ADAMS:
2c. Do DC's informational systems currently provide the data needed to use the measures suggested in a and b?

MS. WILSON:
2c. The answer is no. However in the area of drug enforcement, we are currently implementing the Criminal Justice Information System (CJIS) which will provide, or be easily modified to provide, whatever data is needed about persons processed through the criminal justice system. This will provide data needed to apply the measures mentioned above, at least in the area of drug enforcement.

In area of drug treatment, the D.C. Commission on Public Health is working to improve the information systems that report on treatment programs and their results. In the area of drug prevention, however, it is harder to obtain all of the data needed, particularly when the action agencies are strictly private and privately funded. However as we develop a stronger prevention network of public and private partnerships, we should be able to develop better reporting and data collecting mechanisms.

OFFICE OF CRIMINAL JUSTICE PLANS AND ANALYSIS

SENATOR ADAMS:
Part II A. 1. OCJPA is tasked with developing and implementing "the juvenile justice and the drug enforcement improvement plans for FY 1990". What are the major components of the drug enforcement improvement plan?

MS. WILSON:
Part II A. 1. The major components of the FY 1989 drug enforcement improvement plan are (1) prevention, (2) law enforcement, (3) prosecution, (4) adjudication, (5) corrections and (6) treatment. New programs or improvements to existing programs specified in the plan include: (1) a training program (in drug prevention) for personnel in the Police Boys and Girls Club, (2) expansion of the assets forfeiture program, (3) improved crime analysis equipment for drug cases, (4) an intensified drug interdiction program for correctional institutions, and (5) intensified treatment and support services for probationers and parolees with drug abuse problems.

SENATOR ADAMS:
Part II A. 1a. Will OCJPA be accountable for the implementation of this plan?

MS. WILSON:
Part II A. 1a. OCJPA is responsible for seeing that the new programs or improvements listed above are carried out. This responsibility is shared with the operating agencies who are implementing the programs or improvements.

SENATOR ADAMS:
Part II A. 1b. If parts of the plan are not carried out what happens?

MS. WILSON:
Part II A. 1b. All of the components of the plan are being or will be carried out. Should implementation difficulties arise, OCJPA will work with the operating agencies to resolve those difficulties or, if necessary, modify the planned program or project to surmount the difficulty.

SENATOR ADAMS:
Part II A. 1c. What measures will OCJPA use to measure if the plan is being accomplished?

MS. WILSON:
Part II A. 1c. The measures will be the stated objectives of the various programs in the plan, i.e. how well those stated objectives were achieved. In addition, OCJPA has required an evaluation component for each of the new programs or improvements mentioned above. These evaluations will address how well achievement of the stated objectives contributed to the overall goals of reducing drug supplies or drug demand.

SENATOR ADAMS:
Part II A. 2. What are the major components of the juvenile justice plan?

MS. WILSON:
Part II A. 2. The 1988-1990 three year state Plan outlines programs in three basic areas: Prevention; Services for Adjudicated Youth; and Monitoring and Evaluation. Under Prevention the plan outlines a three year program aimed at reducing school dropouts and delinquency among "at risk" youth in the first grade in a target neighborhood school. The program is to be coordinated and evaluated by the D.C. Public Schools in conjunction with the Juvenile Justice Advisory Group.

In the area of Services for Adjudicated Youth, the plan outlines a three year (three phase) staff training project at the Oak Hill Youth Center to enhance the services provides to youth by all levels of staff at the complex. The training will be conducted by a private contractor with an evaluation component included in the training.

The third program area includes monitoring of all facilities in the District to determine compliance with the federal Juvenile Justice and Delinquency Prevention Act. A monitoring plan has been developed by staff and submitted to the federal Office of Juvenile Justice Prevention in order to address the mandates of the Act. Compliance monitoring is a required component for all states who participate in the Juvenile Justice and Delinquency Prevention Act.

SENATOR ADAMS:
Part II B. 1. Please describe the results to date of the Intra-agency Youth Project. What measures will OCJPA use to measure the effectiveness of the Interagency Youth Project?

MS. WILSON:
Part II B. 1. In order to measure the effectiveness of the Interagency Youth Project we have implemented a research study of the youth who were in the program in 1986. This year was chosen because we would have had at least two years to develop the program and we would have had two years with which to examine the effectiveness of the services. Although that project will not be completed until the fall of 1989, some of the results of the project which we are able to see without the study are indicated below.

1. **It is more cost effective to serve youth in the community than to place them in residential placements. This measurement is based on the expenditures for each client. We spend less on children when they are in the community.**

2. **Educational problems and court involvement are linked. Educational support whether special education placement, academic enrichment or college preparation can improve self-esteem and enhance skills. More than 90 percent of the cases are provided educational support.**

3. **Many of the youth lack self-esteem in areas that affect their effective participation in society; however, services can be designed to improve self-esteem. Thus we analyze activities in terms of their ability to meet the following criteria:**

   a. **positive leisure time activity**
   b. **opportunity to develop new peer relationships**
   c. **role modeling**
   d. **values clarification**

   Self-esteem building services is our highest spending category.

4. **Finding adequate and affordable housing is complicated by the emotional ties that families have to their communities. We now do a housing assessment to determine a family's commitment and ability to relocate.**

5. **Parent support includes concrete and material services which will help to stabilize the family, and enable the family to make better use of the therapeutic services. It is our second highest spending category.**

6. **Non-traditional home-based therapy is well received by clients and their families. Our participation rate is much higher than that of clients who are expected to go to an office.**

DEPARTMENT OF RECREATION

SENATOR ADAMS:
I. The purpose of the OSAY Program is to "break the trend toward substance abuse and juvenile delinquency".

1a. What impact has OSAY had on substance abuse to date?

MAYOR BARRY:
Ia. In June of 1986, the Operating Services Assisting Youth Program (OSAY) was established in public housing properties throughout the District of Columbia. Eminating from housing units (called hubsites) are a myriad of services and measures i.e., leisure, education, nutrition, employment, AIDS, substance abuse and housing to assist youth between the ages of 9-21 years.

Since 1986, hubsites have no longer been regarded as mere office space. Presently, many are regarded as sanctions by those participants residing in overcrowded and non-structured households. Hubsites are visioned also as asylums for those youth who are prime targets for drug distributors; those who are struggling with choices to enter or not to enter into the sale of drugs, and those caught in the web of self-destruction due to substance abuse.

The abound participant mixture is responsible for OSAY's referrals to substance abuse treatment facilities for detoxification and/or long term rehabilitation. Over 5,000 youth and their families have participated in prevention programs and activities that were either provided directly by OSAY or through linkages established with other programs. As a result, of their involvement, the participants' self-esteem and personal development have received intense attention through; one-on-one counseling, peer association and interaction in drug-free environments; special events and the creation of monitored employment within the Department of Recreation, funded through the Department of Employment Services' Youth Employment Programs, educational monitoring and various other social services referrals.

The program focus is primarily prevention, with elementary school aged youth. Moreover, OSAY has played an important part in the area of early intervention as it relates to those youth who have experimented with drugs for the first time. Early intervention strategies transcends all school levels.

Finally, OSAY's impact has been withnessed through:

1. Participation of youth in the OSAY Program has reached the 13,000 mark.

2. Thousands of youth have been exposed to alternative cultures and activities beyound their communities and their imaginations.

3. 75% of the youth show positive behavorial changes after OSAY'S consistent interaction with OSAY.

4. Participants have been able to access substance abuse treatment in and outside of the city more readily than others through OSAY intervention.

SENATOR ADAMS:
Ib. What impact has OSAY had on juvenile delinquency?

MAYOR BARRY:
Ib. The steps towards prevention substance abuse generally prevail with deterring delinquency. However, there are specific methods used to address this problem.

1. Educational monitoring component - youth who display truancy behaviors receive constant monitoring of their attendance at school. Tutorial programs are provided for those in need and self-esteem groups meet at the school and in the community on a regular basis. Grade point averages of these youth have shown an increase.

--OSAY is a part of many interdisciplinary teams for diversions, addressing the needs of youth who have been arrested but not papered. The role is to identify programs in and around the community to address the youth's social emotions, spiritual and leisure needs.

--OSAY has linked with the Lorton Youth Enlightenment Council and the Breakthrough Foundation's Youth at Risk Program to alert youth to the consequences of delinquent behaviors. Moreover, these programs help youth in selecting positive choice to engage in their lives.

--Over 2,000 youth have participated in employment program set up by OSAY. More than 50% of those youth have remained employed for 30 days or more.

The visibility of OSAY staff in the community and in major city-wide school events has helped to reduce the incidences of violence while rendering support to school security.

Constant and consistent monitoring of youth along with activities in self-esteem building and cultural awareness has given OSAY inroads to deterring many of the youth touched by this program.

DEPARTMENT OF HUMAN SERVICES

ADASA

SENATOR ADAMS:
A. In last year's appropriation hearing, ADASA established a set of school-based and community-based

goals for its drug prevention activities in FY 1988 and FY 1989.

1. What progress did ADASA make this year toward achieving these goals?

2. What remains to be done?

MR. PARHAM:
1. & 2. ADASA exceeded the goals mentioned in last year's hearing by full mobilization of resources to reach schools and communities with prevention information and education. Particularly noteworthy, aside from our mobile outreach; our drugmobiles, is a special effort directed toward the high risk areas of public housing three teams of specialists in substance abuse have been developed to work in three public housing areas to increase the knowledge of residents there about drug prevention programs that they as a community can implement and to carry on neighborhood level prevention activities. These teams are on the front lines of our war against drugs and have helped us exceed those goals mentioned earlier.

SENATOR ADAMS:
B. One operational standard often referred to in the drug treatment area is that a truly effective treatment program should have the capability to provide treatment on demand to those in need.

1. Is treatment on demand a long term treatment program goal that the District is moving toward?

MR. PARHAM:
B.1. Our goal is to properly assess an individual's treatment needs whenever they come for treatment and to satisfy those needs by beginning the needed treatment immediately. Through this process, we can move them toward recovery more promptly and efficiently.

SENATOR ADAMS:
B.2. How long currently does a D.C. citizen need to wait before needed drug treatment can be started?

MR. PARHAM:
B.2. A D.C. citizen need wait no more than two weeks before beginning most outpatient programs. Access to residential or inpatient beds is somewhat longer and varies with the duration and demand for the particular program. For example, for a residential program that is one year in length, the wait may be as long as five months depending upon turn over.

A. Youth Services Administration (YSA)

SENATOR ADAMS:
1. YSA's mission is to develop and administer a city-wide system of services for delinquency prevention and control

that contributes to the protection of the community and the rehabilitation of youth.

a. In FY 1990, YSA projects that detentions will increase to 1,300. Yet the Detention Services Division's budget will decrease by 73 continuing full-time positions. (See Volume IV p. 2384 and 2381). Will service levels be adequately maintained?

MR. PARHAM:
A.1.a. The position reductions align actual on-board strength, attrition and more realistic staffing needs to the budget. Many of the affected positions have remained vacant for a prolonged period or are underfunded. Service levels in our detained programs will not be adversely affected.

SENATOR ADAMS:
A.1.b. Please provide YSA's annual workload estimates for FY 1990 - FY 1995 for:
(1) Number of youth detained
(2) Number of youth committed

MR. PARHAM:
A.1.b. In FY 1990, YSA projects that institutional detentions will increase to 1860. (These figures have been revised based on detention increases from October 1, 1988 through April 30, 1989.) All detentions (Home Detention, youth shelter houses and institutions will increase to 3060.) (See Screened and Placed).

	(1) Projected Number of Youth to be Detained	(2) Projected Number of Youth to be Committed by Courts
FY 1990	3,060	650
FY 1991	3,125	700
FY 1992	3,170	750
FY 1993	3,100	650
FY 1994	3,000	600
FY 1995	2,900	500

SENATOR ADAMS:
A.1.c. Please describe YSA's role in addressing the District's current drug crisis.

MR. PARHAM:
A.1.c. Youth Services Administration provides a comprehensive array of services to youth who have been adjudicated delinquent and/or Persons in Need of Supervision. These services range from two secure facilities at Laurel, Md. (Oak Hill and Oak Hill Annex) and a reception center (Receiving Home for Children)

located in the District of Columbia. Diagnostic, educational, medical, psychiatric and casework services are provided to all youth who are institutionalized. Community services include the provision of youth shelter homes, home detention services and youth group homes. Case management service and an array of community services are provided to clients.

Specific services are provided to youth with substance abuse problems. Individual and group counseling are provided by ADASA to both institutionalized youth and youth in community settings. YSA has obtained a grant to provide training for all staff working with youth. RFP have been developed to secure counseling for drug abusers who are institutionalized. Special community programs are planned for drug abusers and their families. Additionally, YSA is developing a comprehensive array of services.

B. Homelessness

SENATOR ADAMS:
1. On page 2183, DHS notes that major programs such as dealing with the homeless have driven DHS expenditures "beyond budgetary limits".

a. Please describe the array of services currently offered to the homeless by the District.

MR. PARHAM:
B.1.a. The District of Columbia provides a comprehensive array of services for the homeless, pursuant to a Comprehensive Plan. This comprehensive array of services includes 20 shelters of single individuals (with approximately 1,400 beds). Of these 20 District funded shelters for single adults, 12 are emergency overnight shelters and 8 are transitional shelters. There are also 16 family shelters, including 5 emergency shelters and 11 transitional shelters. In addition to the physical shelter, the District also provides intensive case management, food services, mental and physical health services, and limited transportation. A detailed description of these services is available in the comprehensive plan.

SENATOR ADAMS:
B.1.b. Currently, how much is spent by the District, annually, on services for the homeless?

MR. PARHAM:
B.1.b. Currently, the District spends approximately 20 million appropriated dollars on services for the homeless.

SENATOR ADAMS:
B.1.b.(1). How does this compare with other major metropolitan areas around the country?

MR. PARHAM:
B.1.b.(1). Although we do not have empirical evidence, it is believed that the District has one of the highest per capita expenditures on homeless services, in the nation.

C. Mental Health Commission

SENATOR ADAMS:
C. 1. Please describe the current status of the effort to effect the transition of St. Elizabeths Hospital to the District.

a. Are the service goals articulated in the transition plan being maintained? If not, why not?

DR. WASHINGTON:
As outlined in the transition plan, the Commission on Mental Health Services has met the following service goals:

- Establishment of a 24-hour Emergency Psychiatric Response Division at the Region III Community Mental Health Center.
- Establishment of an array of mental health services for children and youth.
- Improvement and expansion of adult outpatient services.
- Consolidation and improvement of forensic services.

The only service goal that has not been met is the reduction of the hospital census to 800 beds as stated in the plan. Outplacement goals have not been met for the following reasons:

1. A lack of affordable housing in the District.
2. Problems in the District's contracting process which delayed the development of contracts for the outplacement of mentally retarded patients.
3. Delays in the renovation of a Special Placement Unit at D.C. Village which will house elderly clients.
4. A greater than anticipated number of admissions.
5. An increase in the number of clients with a dual diagnosis of drug abuse and mental illness.

SENATOR ADAMS:
C. 1. b. Are adequate staffing levels being maintained?

DR. WASHINGTON:
The Final Mental Health System Implementation Plan includes a total of 4,049 positions. Approximately 500 of these positions were to be used for newly created programs, the remainder to staff existing programs. On October 1, 1987, the Commission employed 3,150 staff. Vacancy rates for existing programs were approximately ten percent, with new programs unstaffed. Vacancies among critical clinical positions exceeded the Commission-wide rate: registered nurses, 30%; activity therapists, 44%; medical technologists, 41%; psychologists, 29%, and social workers, 22%.

As of May 19, 1988, the Commission employed 3,188 staff, a net increase of 38 over the October 1, 1987 level. Vacancy rates among critical shortage positions remain static. The greatest difficulty is encountered as new programs compete for resources without concurrent increases in available manpower.

On a more positive note, registered nurses have increased during the interim by 8, from 309 to 318. In addition, the Commission has executed a nursing services contract for over $1.0 million, yielding up to 38 FTE's of additional registered nurse coverage in FY 1989. The Commission is also attempting to increase the number of child psychiatrists through execution of a professional services contract for approximately $800,000 in FY 1989. The Commission has held the line on medical technologists and activity therapists, although significant gains cannot be reported. Six additional pharmacists have been acquired recently from the Public Health Service. Several hundred internal hires and reassignments have also occurred during the period, resulting in better distribution of staff resources than previously experienced.

In summary, the Commission has neither gained nor lost significant additional staff resources since the transfer. The Commission has distributed staff better and gained service capacity through contracts. However, high vacancy rates among clinical staff remain a principle deficiency in most clinical programs.

DEPARTMENT OF PUBLIC WORKS

SENATOR ADAMS:
A. On page 1840 of DC's 1990 budget (Volume III), the Department notes that an "across the board reduction in personal services will have a negative effect on all department programs".

1. Please elaborate on the negative impact of this across the board reduction.

MR. TOUCHSTONE:
1. It is difficult to determine exactly where the personnel reductions will occur since the department is operating under a no RIF policy. We will, therefore, be depending on normal attrition from resignations and retirements to meet this goal.

In the staff areas which include the Director's Office, the Office of Mass Transportation, the Controller's Office, the Office of Management Services, the Office of Information Services, the Office of Policy and Planning, and the Design, Engineering and Construction Administration, there will be some delays in responding to their requirements. They will, however, be expected to function normally for the most part despite any attrition reductions.

Direct service areas which include the Transportation Systems Administration, the Public Space Maintenance Administration, the Fleet Management Administration, and the Facilities Operation and Maintenance

Administration will have visible negative impacts which cannot be avoided. These include longer lines for vehicle registration, driver's permits, and vehicle inspections; longer cleaning cycles for streets and alleys; delays in repairs for buildings and facilities; and delays in repairing equipment.

QUESTIONS SUBMITTED BY SENATOR WYCHE FOWLER, JR.

SENATOR FOWLER:
1. Mr. Mayor, while it is very important to continue to wage war to rid this city and indeed the nation of drugs, we must also use what resources we can spare to educate our youth -- our leaders of tomorrow -- about the dangers of drugs. Would you tell the subcommittee if your proposed budget for FY 1990 addresses this need and, if so, How?

MAYOR BARRY:
1. The District's proposed budget for FY 1990 includes approximately $3 million for prevention education efforts of the Department of Human Services, roughly two-thirds of which is designated to educate our youth about the dangers of drugs. The budget includes funding for mobile drug prevention outreach and education activities (Drugmobile) which are implemented in coordination with the District's elementary schools; peer counseling programs in three high schools; youth peer counseling outside of school at four sites; prevention information distribution at public and private schools and in the community; high-risk workshops for youth intervention; alternative activities for youth including tutoring, recreation, career development; and outreach education and early intervention programs for high-risk youth and their families living in public housing sites.

The Board of Education's FY 1990 Appropriated Budget Request responds to the dangers of drugs among today's students. Our budget provides for in-service training of teachers, principals, and related school base personnel on substance abuse. Approximately 5,000 DCPS personnel have been trained. Our FY 1990 Budget continues support for this effort. Education in prevention of drug and substance abuse is an integral part of our public school curriculum in grades K-12. In addition, the DCPS has taken full advantage of its non-appropriated funding to prevent substance abuse.

Finally, some of the many specialized programs the public schools directed toward preventing drug and substance abuse are listed below:

- The Sports Activities Not Drugs (SAND) Program provides peer counseling training to high school athletes who in turn provide drug awareness activities to their peers at four senior high schools.

- The expansion of the Youth Awareness Program is a combined effort of the school system and the police department to inform youth of the dangers of drugs, sex, and knowledge of the juvenile justice system.

- A joint effort with the Department of Human Services provides informational centers on substance abuse at the secondary level. At the elementary level, instructional programs and anti-drug abuse awareness is made available through the Mobile Drug Awareness Mini Van program.

Beyond the regular summer school program, additional resources to increase student participation in summer enrichment programs are being sought, and were requested by the Board of Education and Superintendent at the Senate Subcommittee on May 18.

The Department of Recreation operates a program called Operating Services Assisting Youth (OSAY) which was established in 1986 as an anti-crime initiative and an early intervention strategy to break the cyclical and pathological nature of social problems affecting youth living in the District of Columbia public housing developments. The program uses prevention and early intervention strategies to combat substance abuse, delinquency and youth violence. Workers provide outreach services, conduct informational workshops, provide resource referrals, serve as role models and engage youth and their families in counseling sessions with an aim to facilitate positive attitudinal and behavioral development.

Since 1986, the program has enrolled 13,000 participants and outreach workers have made over 19,000 referrals to social service agencies to meet the needs of its participants. Referrals for employment top the list, while food and health fall second and third.

In 1988, the program became part of the Operation Fightback Initiative, because of its constant contact and involvement with at-risk youth in this city.

Expenditures for drug education and awareness activities have increased. A major factor for the increase is the use, abuse and distribution of substances amongst youth in the communities we serve. Secondly, the escalation of violence and crime involving District of Columbia youth primarily in public housing has caused the percentage to increase.

The proposed budget request for FY 1990 embodies yet another increase for intensified services to youth in public housing projects. The requested budget will not only be used to maintain the existing OSAY sites, but to hire additional staff and open new sites in other public housing properties around the city. More specific, 14% of the requested budget will be devoted to substance abuse, awareness, prevention and intervention strategies.

The following list describes some of the methods and techniques employed by this program to address the problem of substance abuse and its consequences with OSAY participants:

- one-on-one counseling sessions (individual and family);
- outreach and referral services;
- collaborative programming with ADASA and CPH for health and substance abuse programs;
- on-site programs to address AIDS, substance abuse and self esteem;
- cultural enrichment activities;
- teen club activities devoted to prevention;
- recreational programs promoting drug free environments and attitudes;
- major conferences for youth, parents and communities to develop strategies to combat substance abuse;
- parenting workshops; and
- exposure to groups of persons who did not regard the negative consequences of illegal activities to engage youth in positive decision making processes.

SENATOR FOWLER:
2. Another issue which is certainly a national problem is the plight of the homeless. The District has had many a day in court grappling with this problem. Mr. Mayor, would you briefly outline your budget proposal as it relates to the District's homeless population?

MAYOR BARRY:
2. The FY 1990 budget reflects the growing pressure on the City to compensate for the continuing lack of affordable housing for District residents. Approximately $20 million will be devoted to emergency shelter and support services. This will provide 433,000 nights of shelter to homeless families; 693,600 nights to homeless women; and 730,740 nights of shelter to homeless men. Also, $2,738,000 is earmarked to design and renovate two homeless shelters; and $287,000 is being made available by the Department of Housing and Community Development for the conversion of buildings for use as emergency shelters. Furthermore, approximately $12 million (an increase of $1.9 million over 1989) in local funds is budgeted for emergency assistance payments to persons who are living in home but who have experienced a temporary crisis that may result in homelessness without such assistance.

The Tenant Assistance Program is increased by $10.9 million from the approved FY 1989 Budget of $10 million. The FY 1990 funds will provide housing to applicants in the rent subsidy program as well as housing for the homeless.

In related funding: we have budgeted $5.6 million in interest free loans to assist low-and moderate- income residents in purchasing homes; of this amount, $700,000 has been targeted for Ward 8; nearly $1 million is budgeted in housing financing, homesteading, and home repair for the Elderly, Dependent and Disabled (including AIDS victims); and, $2.7 million is budgeted to provide below market rate loans to low-and moderate-income individuals and developers.

During FY 1990 we will focus these resources on converting temporary motel housing for families into more stable apartment settings, and improve shelter services to single persons. We look forward also to expanding the availability of public housing.

SENATOR FOWLER:
3. You quite recently made a proposal to President Bush calling for an International Drug Summit. Have you had a response as yet from the President and, Briefly, what do you envision as the scope of such a summit?

MAYOR BARRY:
3. I have called on President Bush to initiate an International Drug Summit. In this drug summit, the President and the leaders of all Western Hemisphere nations involved in drug production, would comprehensively plan to take action on ways to eradicate, to the fullest extent possible, the production and exportation of drugs. This summit would not simply be a low-level conference; it would include those in decision-making positions in all nations represented. A plan of action would be developed and executed within a specified time period. The summit would focus on three areas:

a. DEBT REDUCTION. The weakened economies of many nations in our hemisphere are dependent in many ways upon drug production and exportation. We need to reverse these incentives. If these nations cooperate fully with us, they should be rewarded with increased financial assistance, including the possibility of massive debt reduction. Substantial financial incentives for these governments can be explored and agreed-upon at the summit.

b. CROP ALTERNATIVES. In addition to assisting debt-ridden governments, we must reach directly the farmers who cultivate illegal crops. We must provide them with incentives to grow legal crops. Along with an incentive system, we need to find ways to expand the trade potential for Western Hemisphere nations in legal crops. This include reducing barriers to trade that may currently restrict farmers' incentives to grow legal crops.

c. MILITARY ASSISTANCE. The central governments of many nations are weaker than the international drug cartels. The international drug cartels have bought law enforcement personnel and politicians, intimidated and assassinated national leaders and completely controlled millions of rural acres. Acting separately, the leaders of many of these nations are relatively powerless. Together, with the United States, Western Hemisphere nations can defeat the international drug lords.

I have proposed a Western Hemisphere International Drug Eradication Army (IDEA). Under IDEA, comprised of top military units of all Western Hemisphere nations, the drug policies approved and developed at the drug summit can be implemented and strongly enforced.

I also called upon the President to address the United Nations on the control of international narcotics trafficking. To date, we have received no response from the President.

SENATOR FOWLER:
4. I note in your proposal that there is a shift away from D.C. staff in the area of drug treatment programs towards the contracting out of these services. Can you tell the subcommittee why you are proposing such a shift?

MAYOR BARRY:
4. As a matter of policy, the District has attempted to respond to the demand for treatment services with the most timely and cost effective approach available. In some cases this has meant the use of contract services while, in other cases, it has meant establishing new government-operated treatment services. In FY 1990, for example, funding is proposed for a comprehensive government-operated treatment center in Ward 7.

However, I would not say that we are embarking on a deliberate shift to more contracted services and away from District-provided services. Of the $2.2 million increase for treatment services in the FY 1990 budget, roughly $650,000 is for greater services from non-governmental contract providers, and $400,000 is for contracted services from our public hospital, D.C. General Hospital. The approximately $1.2 million balance is to be utilized for increasing treatment services directly provided by the Alcohol and Drug Abuse Services Administration in the Department of Human Services.

SENATOR FOWLER:
5. The GSA has drafted legislation that would require the District to bill each Federal agency separately for water and sewer services. Congress currently, as you know, provides lump sum payments on a quarterly basis for these services. Mr. Mayor, I know the District opposes this enabling legislation. Would you state for the record the basis of the District's objections?

MAYOR BARRY:
5. We have serious reservations about the legislation that the Office of Management and Budget has sent to the Congress because that legislation does not ensure that the District will be able to collect the funds owed on a timely basis. The GSA draft legislation contained monthly billing on an as-metered basis and no sanctions to help enforce collections. The monthly, as-metered billing would have resulted in an estimated $4.4 million reduction

in cash flow in FY 1990 because that billing arrangement would have represented a shift from the current system that is based on prospective quarterly payments. The OMB redraft of the legislation retained the prospective quarterly payments and included a penalty for late payment.

However, the redraft continues to prohibit the District from terminating service to Federal agencies for nonpayment of bills. To deny the District water shutoff as a tool to enforce payment not only would weaken the District's ability to collect from the various Federal agencies but also would treat the District differently from other Washington area utilities, such as the Potomac Electric Power Company and the Washington Suburban Sanitary Commission, who are empowered to terminate service to Federal installations. This sanction is currently available to the District for enforcing collections from its residential and commercial customers, therefore, it should also apply to Federal agencies. While we believe that cutting off water to Federal agencies would be quite disruptive to Federal government activity, the District must have some means available to ensure the financial integrity of its water and sewer utility.

We also believe that coordination and administrative issues need to be worked out before direct billing can be effected. However, little time is left for so doing. To meet the FY 1990 effective date proposed in the OMB legislation, the first estimated bills would have to be sent out in mid August 1989. To commence direct billing, some of the important issues that have to be addressed include training District personnel in the new Federal agency billing system, establishing the procedures for dealing with billing and collections for master meters in multi-agency buildings, and completing a roster of Federal agency contacts and billing addresses. In light of what is in our view a deficient legislative proposal and the numerous remaining issues that have to be resolved before direct billing is implemented, we believe that the lump-sum appropriation should continue. We, therefore, request a lump-sum payment for FY 1990 of $34,740,000.

QUESTIONS SUBMITTED BY SENATOR J. ROBERT KERREY

SENATOR KERREY:
1. The District of Columbia Government's Budget Office prepared a fact sheet which indicated that the District has consistently made more drug arrests per capita than any other city in our nation. I would like to start with those arrests and walk through the corrections process:

1. How many arrests were made last year? How many to date this year?

MAYOR BARRY:
1. In 1988, the Metropolitan Police Department made 8,511 adult drug arrests and 1,913 juvenile drug arrests for a total of 10,424 drug arrests. Arrest data for this year is currently undergoing an internal audit to ensure accuracy. The data for arrests to date for this year will be available in several weeks.

SENATOR KERREY:
2. Those arrested were presumably booked and held until bond was set and posted: (a) where were those persons held?

MAYOR BARRY:
2. Adults held prior to trial are kept at the District's Detention Facility (D.C. Jail). Juveniles are either held at the D.C. Receiving Home, in one of several group homes, or at Oak Hill, the District's secure facility for juveniles.

SENATOR KERREY:
2b. What type of facilities do you need to hold such persons?

MAYOR BARRY:
2b. A detention facility designed for short-term stays (less than a year) is best suited to house a pretrial population.

SENATOR KERREY:
2c. Were you able to handle all those at this point in the process?

MAYOR BARRY:
2c. There is space at our Detention Facility for pretrial detainees. However, an expanding sentenced population, which currently is increasing by more than 100 inmates per month, keeps overall population levels in District correctional facilities at or above their capacity. A change in pretrial detention policies or legislation could further exacerbate current jail and prison crowding problems.

SENATOR KERREY:
3. How many persons were charged with (a) violent crimes along with drug offenses, (b) drug smuggling or dealing, and (c) drug use?

MAYOR BARRY:
3. (a) The number of persons charged with violent crimes in 1988 was 2914. An unknown percentage of these were concomitantly charged with a drug crime. Our current data system precludes an aggregate reporting of this information. (b) The number of persons arrested for drug sales in 1988 was 5023. (c) The number of persons arrested for drug possession (including use) was 5401.

SENATOR KERREY:
3a. How many of these were held until trial? what kinds of facilities were required? what facilities did you have available?

MAYOR BARRY:

3a. For adults about 31 percent were held for some period of time prior to trial, while for juveniles 20 percent were held pending trial. Persons awaiting trial are kept in secure facilities primarily designed for short stays. Adults awaiting trial are held at the District's Detention Facility (D.C. Jail) and juveniles are held at Oak Hill, the District's secure facility for juveniles located in Laurel, Maryland.

SENATOR KERREY:
3b. How many of each of the above categories were convicted and sentenced?

MAYOR BARRY:
3b. In 1988, the U.S. Attorney for the District reported 681 adult convictions for violent crimes. Aggregated figures for juveniles are not available at this time. The U.S. Attorney reports 3732 convictions for drug offenses, including both sales and possession.

SENATOR KERREY:
3c. What facilities were each category generally sent to?

MAYOR BARRY:
3c. Adults convicted of felony crimes, which include violent offenses and drug trafficking crimes, are generally sentenced to facilities at Lorton, Virginia. Persons convicted of misdemeanor crimes, which include most drug possession offenses, are sent to the District's Minimum and Medium security facilities located at Occoquan, Virginia.

SENATOR KERREY:
3d. What shortfall did you have in each category?

MAYOR BARRY:
3d. Currently, the District's correctional system has an overall prison bed shortfall of about 1467 beds. Inmates are not assigned to facilities based solely on their category of crime. Placement is based on a classification system which takes numerous factors into consideration including their length of sentence, rehabilitation needs, and security risk.

To address the District's shortfall, 1500 bedspaces are being sought for use in the federal prison system, and the District has started placing inmates in other state prison systems. Also, the District is actively pursuing construction of additional correctional facilities.

In addition to the 1500 bedspaces asked for in my request to the Director of the Office of Drug Policy, we have also sought assistance to clear the way for construction of the planned 800 bed treatment facility in the District, and other facilities planned for the Lorton, Virginia site that are included in the District's Department of Corrections Master Plan.

DEPARTMENT OF CORRECTIONS

SENATOR KERREY:
1a. Corrections is an important part of the war on drugs, but it is only part of the war. What are the goals and objectives of fighting this war for Corrections -- what is your department seeking to do?

MAYOR BARRY:
1a. The Department of Correction's primary goal in the war on drugs is to provide a continuum of drug and alcohol abuse education, counseling, and treatment services, with emphasis on the prison-to-community transition, for inmates with histories of substance abuse. Inmates who choose to participate in these programs will have a better chance of successfully returning to the community. Specific short term objectives related to this overall goal include development of a comprehensive substance abuse delivery system that includes a range of treatment options, expansion of aftercare programming for inmates in halfway houses and work training, opening of a 32-bed substance abuse treatment unit to test and refine the planned program for the Correctional Treatment Facility (CTF), and continued interdiction efforts to eliminate the presence of drugs in correctional facilities. Construction of the Correctional Treatment Facility in Southeast Washington, which will have 256 beds dedicated to intensive residential drug treatment for inmates with histories of substance abuse, is a vital component of the Department's overall plan for fighting this war. The specific details of the Department's substance abuse goals and objectives are included in the Operational Master Plan.

SENATOR KERREY:
1b. How will you measure your success or failure?

MAYOR BARRY:
1b. Short range success measures include documented reduction in the number of positive drug samples in all facilities and successful completion of drug education and counseling programs by increasing numbers of inmates. The Department monitors these statistics monthly. Long range measures will include successful completion of the Department's intensive treatment program at the Correctional Treatment Facility and documented reduction in recidivism among inmates who have completed programs specifically geared to dealing with the substance abuse problems that contributed to their criminal behavior. The overall result of these efforts will be a slowdown in the growth in prison population.

SENATOR KERREY:
2. I assume that those who commit violent crimes, dealers and users, present different problems for you in terms of physical facility and personnel needs. How do

you differentiate among these various categories of people who constitute the "drug problem?" What do you need to handle each category?

MAYOR BARRY:
2. The Department of Corrections uses a classification system to determine the appropriate custody designation and placement of inmates remanded to its custody. The classification instrument uses an objective scoring system that takes into account both the current crime for which the individual has been sentenced as well as previous history with the criminal justice system. The instrument is used for all newly-sentenced inmates rather than specifically for individuals convicted of drug-related crimes. Inmates are assigned to Department facilities based on their custody designations (e.g., maximum security, medium security). In addition to the classification instrument, inmates entering the system go through a battery of tests during the diagnostic process to identify specific programming needs including academic and vocational training and substance abuse treatment. Department facilities are staffed based on the security designation, and available programs are commensurate with custody levels of the inmates. For example, inmates in maximum security have more limited access to classroom training and external work squads than inmates in minimum security custody who participate in a range of programs including work training outside the facility and work squads in various locations at the correctional complex.

SENATOR KERREY:
3. Have probation officers had enough experience with drug use cases to be able to make good judgments on whether or not a person on parole is using an illegal substance?

MAYOR BARRY:
3. In many jurisdictions, parolees are supervised by probation officers, however in the District of Columbia they are supervised by parole officers under a paroling authority which is organizationally separate from probation. In addition to expertise gained through the practical experience of coping with pervasive illegal drug use, over half of our parole officers have participated in training which leads to certification as a substance abuse counselor. Also, over and above observations parole officers may make, parolees are regularly tested for usage of illegal substance.

SENATOR KERREY:
4. Have you looked into contracting out prison facilities to a private entity or obtaining federal land, such as a military installation, where a temporary facility could be located?

MAYOR BARRY:
4. The Department of Corrections has explored and will continue to explore all viable options for housing inmates over the short run and for providing adequate space to keep pace with projected growth. We have had preliminary discussions with several private firms regarding construction of prison facilities which would be operated by a state/county government as well as full privatization of prison operations. There are several policy issues related to contracting out including the required length of contracts in advance of construction and liability for inmate health and safety in privately-run facilities. We will continue to explore these issues. The District is also open to the possibility of temporary prison housing at military installations. However, we have had no firm offers for use of military installations from the federal government which operates these facilities.

SENATOR KERREY:
5. Assuming you had an available location, how soon could you construct/have constructed (a) a minimum security facility, (b) a medium security facility, (c) a maximum security facility?

MAYOR BARRY:
5. Depending on the size of the facility and the specific construction method employed, the quickest possible turnaround from award of contract to opening of the facility is one year with 18-months to two years being the more realistic estimate. There are many fast track construction methods available today to compress the time from ground breaking to ribbon cutting. In addition, facilities can be designed in components to permit incremental opening of housing units. The facilities in the Department's Master Plan were designed in components so that housing units of 250 to 500 beds could be opened one year after award of contract. These fast track timetables assume no external opposition or delays, which has been the major problem in proceeding with the 800-bed Correctional Treatment Facility in Southeast Washington.

SUBCOMMITTEE RECESS

Senator ADAMS. The subcommittee will stand at recess until Wednesday, May 17th and the hearing will be on the Corrections Department.

[Whereupon, at 12:25 p.m., Wednesday, May 10, the subcommittee was recessed, to reconvene at 10 a.m., Wednesday, May 17.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1990

WEDNESDAY, MAY 17, 1989

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:02 a.m., in room SD–138, Dirksen Senate Office Building, Hon. Brock Adams (chairman) presiding.

Present: Senators Adams and Gramm.

Also present: Senator Specter.

DISTRICT OF COLUMBIA

DEPARTMENT OF CORRECTIONS

STATEMENT OF HON. MARION S. BARRY, JR., MAYOR, DISTRICT OF COLUMBIA

ACCOMPANIED BY:

- **HALLEM H. WILLIAMS, DIRECTOR, D.C. DEPARTMENT OF CORRECTIONS**
- **WALTER RIDLEY, DEPUTY DIRECTOR, D.C. DEPARTMENT OF CORRECTIONS**
- **GWYNNE WASHINGTON, ASSISTANT DIRECTOR FOR EDUCATIONAL, INDUSTRIAL AND AGRICULTURAL PROGRAMS, DEPARTMENT OF CORRECTIONS**
- **KATHLEEN BYRNES, BUDGET ANALYST AND BUDGET DIRECTOR, DEPARTMENT OF CORRECTIONS**

OPENING REMARKS

Senator **SPECTER** [presiding]. This hearing will come to order.

I have received word that it is acceptable to the chairman that we commence this hearing at this time. It is 10:02, and we are expecting the arrival of Mayor Barry, and so we will hear the Mayor when he arrives, but let us proceed at this time to hear the witnesses who are present.

This hearing has been convened to evaluate, as an oversight function of the District of Columbia Subcommittee of the Appropriations Committee, the programs which the Congress put into effect on literacy training and job training some 4 or 5 years ago.

Those programs were structured after a series of hearings which were held by the District of Columbia Subcommittee when I chaired the subcommittee, with a basic thrust to try to provide some realistic rehabilitation in the D.C. prisons, to help the situation locally, and as a national model.

The basic philosophy was that if men and women are released from prison as functional illiterates, without a trade or skill, it is no surprise that they go back to a life of crime.

The effort was made to bring literacy training into the prisons, and job training into the prisons, and then to have a coordinated effort by the city to find jobs for the individuals, in order to provide this rehabilitation process.

This activity was part of a larger approach taken, which involves an effort to have long-term sentences for career criminals. In 1984, Congress enacted the armed career criminal bill, which for the first time brought the Federal Government into the fight against street crime, identifying career criminals as robbers and burglars.

Then an amendment to that law in 1986 expanded it to drug sellers and other violent crimes, so that any career criminal found in possession of a firearm would be sentenced to what was the equivalent of a life sentence—15 years to life.

That has since been changed, with the absence of parole, so that now a life sentence does not have parole.

But the thrust of the two-pronged attack was to rehabilitate where possible—first offenders, youthful offenders, some second offenders—but if individuals become career criminals, then in effect throw away the key, with long-term, 15 years, or even life sentences.

The calculation was that first offenders were entitled to another chance, with rehabilitation where possible, and if they didn't utilize that rehabilitation opportunity, but became career criminals, then it was fair, as a societal response, to put people in jail for long terms, and even life imprisonment.

The D.C. experiment has undergone growing pains, there have been some difficulties which we have noted.

After I left the chairmanship of the District of Columbia Subcommittee, I have retained a personal interest, and we had an oversight hearing last year, and my staff has been in virtual constant contact with the staff of the Corrections Department, and I have talked on a recurrent basis to the Mayor about the program.

We are very interested in pursuing this program, doing our utmost to see that it is successful, and it ties in very closely with the activities currently proposed by the President.

May the record show that Mayor Barry is now with us, and his timing is impeccable, as usual. I have not yet finished my opening statement, but I am within 60 seconds of finishing it.

I was commenting, Mr. Mayor, about the thrust of the program which we conceived, with your participation, my activity, the subcommittee, and the full Congress, on rehabilitation as one of two points, the other being long-term sentences for career criminals.

President Bush has now announced, on Monday of this week, an anticrime program which places emphasis on the drug issue, with agents for the Bureau of Alcohol, Tobacco and Firearms, and also on prisons.

I have discussed with the President the D.C. program, he is keenly interested in it as a model. I discussed it with Mrs. Bush, who is very interested in literacy training, and in fact, Mrs. Bush made a visit to the D.C. Correctional Institution back in about 1985.

This is a program of vital importance to Washington, DC, but it is a vital program for the country, because it could serve as a model for broader application.

So, at this juncture, let me welcome you here, Mr. Mayor. The subcommittee very much appreciates your participation, and we look forward to hearing from you.

OPENING REMARKS OF MAYOR BARRY

Mayor **BARRY**. Thank you very much, Senator Specter.

First of all, let me indicate that I welcome this opportunity to bring you up to date on the academic, vocational, and job training programs that the D.C. Department of Corrections provides to inmates in its custody.

With me is the Director of the Department of Corrections, Hallem Williams; the Deputy Director, Walter Ridley; Kathy Byrnes, our Budget Analyst and Budget Director in the Department; and Gwynne Washington, who has the overall responsibility for the educational, agricultural, and prison industries programs.

Mr. Chairman, I would like for my statement to be entered into the record in its entirety, and I will just highlight some of the points in it.

It goes without saying that we are very appreciative of your initiative when you were Chair of the Subcommittee on the District of Columbia.

At a time when it wasn't popular to push for rehabilitation, you were very interested in a dual approach, and that is, long-term sentencing for those who are just career criminals, and probably there is no hope of rehabilitating.

On the other hand you were interested in trying to find innovative ways to try to provide rehabilitation, so that those who come back into our society won't complete that cycle of coming back out, back in, back out, and back in, and causing the taxpayers millions of dollars just to keep them incarcerated.

Thanks to you, and the hard work of the Department, we are now able to report, I think, some very positive results.

Mr. Chairman, I see Senator Gramm has come in, and we certainly welcome his attendance at this hearing.

One of the things that I have learned in this process is that you have to try to find a way to change the culture, or the bureaucracy, as you get ready to implement these programs.

Most correctional officers around the country would like to think that they are progressive, and believe in rehabilitation, but basically, look at their program, and that is not the case.

Also, in the support bureaucracy, such as our Department of Public Works, they have competing and sometimes conflicting schedules as to what they are going to build, and in what order they are going to build it. You find you have to keep pushing that bureaucracy to understand that building an educational building at Lorton is as important in the scheme of things as building roads and fixing bridges and repairing schools.

So we had some difficulty pushing our bureaucracy at the beginning of this initiative, but we finally got it moving. You have been in government a long time, and you know, sometimes bureaucracy is not easy to push along, even though you think you have the power and authority to say, "Do this tomorrow morning."

You find that it is not quite that way.

But we finally arrived at the point where nearly all of our education facilities are on line, the final educational buildings will be finished in September of this year, which takes care of the physical arrangements.

FUNDING IN THE EDUCATIONAL/VOCATIONAL PROGRAM

Also, Mr. Chairman, as you may recall, you were instrumental in providing $29.5 million in operating costs, and $13.7 million in capital costs, to be used for expanding educational offerings, and ensuring that the Department had qualified staff on board to deliver programs.

Mr. Chairman, we are happy to report that beginning in fiscal year 1987, the D.C. government assumed full responsibility for continuing these programs in our own locally appropriated budget.

In fiscal year 1988, we spent $8.5 million to operate the educational programs. The fiscal year 1989 budget includes $11 million for educational programs, with 200 positions; and in fiscal year 1990, we have $12 million and 200 positions for educational programs in our budget request.

This major infusion of money and policy direction has had a significant impact on the Department of Corrections' programs and plans for the future.

ACADEMIC AND VOCATIONAL PROGRAMS OFFERED

In addition to the full range of academic programs—GED, math, English, reading—we offer such vocational courses as automobile mechanics, automotive body, brick masonry, barbering, building maintenance, business typing, computer repair, culinary arts, carpentry, dental technology, painting, word processing, and the like.

We have an outstanding prison industries program that we think is among the best in the country. I think Minnesota and a couple of others have better programs, but ours certainly is better than our neighbors in Virginia and in Maryland.

ENROLLMENT IN PROGRAMS

Mr. Chairman and members of the committee, the average daily enrollment in our academic programs increased from 1,607 in fiscal year 1984, to 3,521 in fiscal year 1988. This is a 119-percent increase.

Average daily enrollment in adult basic education in fiscal year 1984 was 528; in 1988, 1,491, respectively, an increase of 182 percent.

Mr. Chairman and members of the committee, it is not just enough to have people enrolled in programs, but we have to also have them succeed in these programs. There were 1,263 inmates who had taken the GED, and 787 received passing grades, which I think is a rate of 62 percent.

Which again, according to the experts who look at these kinds of situations, is a rather remarkable number, since 80 or 85 percent of our persons who are incarcerated did not graduate from high school. The schools had turned them off or turned them out or they had turned schools off or dropped out or got pushed out of our public schools, and sometimes our parochial schools.

OBTAINING JOBS AFTER RELEASE

Also, Mr. Chairman, one indicator of success is the extent to which inmates who participate in these programs obtain jobs, and remain in the community upon release.

Our data reveal that the success of all releasees during fiscal year 1987, which were 5,756, was 41 percent. The success rate for releasees who obtained jobs after participating in the program was 56 percent, again showing that these programs can make a difference.

Also, Mr. Chairman and members of the committee, let me also point out that we are in a catch 22 situation, to some extent, in the sense that there are a significant number of businesses that won't hire people who have records, regardless of how qualified they are, or regardless of how bright they may be.

As you know, some of our prisoners are some of the brightest people around. They had to be bright to try to outwit Lorton officials, and prison officials, and they have learned how to think keenly with their minds.

So you find a situation where a person can find some kind of work, but not necessarily the kind of work that they were trained in.

One of our most successful programs, though, has been our culinary arts program. This is where we are teaching people to be chefs, and the local restaurant and hotel industry is just anxious to take all we can find. These persons are earning significant amounts of money.

I would say that, in summary, we have been slow to move, initially, on the program, not because of any lack of desire on my part, but just trying to get the bureaucracy to reorient itself.

Mr. Williams took over the Department in January 1987, and under his leadership we have seen a dramatic increase in participation, a dramatic increase in the direction of the program.

Also, we are very happy that Gwynne Washington, who is our Assistant Director-for Educational, Industrial and Agricultural Programs, also has a keen interest in this area. Ms. Washington has over 20 years of correctional experience. She was formerly the warden at the Alderson Federal Institution.

STUDY OF THE CRIMINAL JUSTICE INITIATIVE

In January 1989, the Institute for Economic and Policy Studies completed a comprehensive analysis of the effect of the criminal justice initiative. As you know, the study was prepared for the National Institute of Corrections,-U.S. Department of Justice, at your request.

That study concluded that significant changes had occurred in the delivery of vocational and educational programs in the Department facility since the beginning of the criminal justice initiative.

The study also identified areas for further improvement, which we have already begun to implement. Mr. Williams and Ms. Washington can provide additional details on current program participation, and plan enhancements.

INCREASE IN PRISON POPULATION

Throughout this implementation process, however, we face unrelenting population growth. Mr. Williams and his staff have spent most of their time making daily decisions about moving inmates from one place to another, from the D.C. jail to the central facility, to the maximum, medium, and minimum security facilities.

In fact, they have spent their time going out of State, including the State of Texas, to find additional space for the residents.

So the massive amount of people coming to our system, which has grown from about 3,500 in 1979, to almost 8,700 in our local system, and another 740 scattered around the country under contracts with State prisons and local jails, another 2,000 in the Federal system, has reduced the amount of time management can devote to educational programs.

In the meantime, while Mr. Williams and his staff were making daily decisions about moving inmates, Ms. Washington and her staff were busy trying to make sure that we continue to improve the programs.

I am happy that we have moved this far. All is not what we want it to be, but certainly it is a lot better than it was in 1984, when you first started this initiative.

I think we would like to come to a point where our system would become a model for the country, where other prison administrators and Senators and Representatives and State legislators, could come to Washington and look at the best managed program in the country.

SUMMARY REMARKS OF MAYOR BARRY

We do have new, modern facilities now in that area. As you know, Lorton has been a continuing debate, politically, about renovations, and that debate, I guess, is going to go on for some time, until we find a better solution. In the meantime we are really working awfully hard to rehabilitate persons.

Finally, I was over at our halfway house yesterday, on New York Avenue. It is a model facility, where the community has joined with the government in welcoming inmates back into the community.

As you know, these are very difficult places to put in people's neighborhoods, but this one is a model. I talked to several young men who had gone through our programs while they were down at Lorton.

They were very excited about the opportunity to rehabilitate themselves, the possibility of turning from a life of crime and criminal behavior to one of productivity, and positive contribution to the community.

PREPARED STATEMENT OF MAYOR BARRY

Again, Mr. Chairman, I would like to thank Senator Specter for his initiative, for his persistence, for his constructive criticism, for his prodding and pushing from time to time, but I think we have almost gotten there.

[The statement follows:]

STATEMENT OF MARION BARRY, JR.

GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I WELCOME THIS OPPORTUNITY TO BRING YOU UP-TO-DATE ON THE ACADEMIC, VOCATIONAL, AND JOB TRAINING PROGRAMS THAT THE D.C. DEPARTMENT OF CORRECTIONS PROVIDES TO INMATES IN ITS CUSTODY. AS YOU KNOW, THESE PROGRAMS ARE IN PLACE THANKS TO THE FORESIGHT AND INITIATIVE OF SENATOR ARLEN SPECTER, FORMER CHAIRMAN OF THIS COMMITTEE, WHO SPEARHEADED THE CRIMINAL JUSTICE INITIATIVE BEGINNING IN 1984.

I PARTICULARLY WANT TO THANK SENATOR SPECTER FOR HIS UNRELENTING SUPPORT FOR INNOVATIVE PROGRAMMING WITHIN OUR PRISONS AT A TIME WHEN MANY HAD GIVEN UP ON ANY NOTION OF REHABILITATION, OPTING INSTEAD FOR LOCKING OFFENDERS UP AND "THROWING AWAY THE KEY." SENATOR SPECTER UNDERSTOOD IN 1984 AND UNDERSTANDS NOW THAT IT IS IN EVERYONE'S BEST INTEREST TO PROVIDE MEANINGFUL EDUCATIONAL, SUBSTANCE ABUSE AND JOB TRAINING OPPORTUNITIES TO OFFENDERS IF WE ARE GOING TO BREAK THE VICIOUS CRIME CYCLE WITH WHICH WE HAVE BEEN PLAGUED. THE EDUCATIONAL INITIATIVE IS AN EXAMPLE OF A SUCCESSFUL PARTNERSHIP BETWEEN CONGRESS AND LOCAL GOVERNMENT.

THE MORE THAN $40 MILLION THAT WAS APPROPRIATED FOR THE CRIMINAL JUSTICE INITIATIVE BEGINNING IN FISCAL YEAR 1984 AND ENDING IN FISCAL YEAR 1986 ($29.5 MILLION IN OPERATING COSTS AND $13.7 MILLION IN CAPITAL COSTS) WAS USED TO EXPAND EDUCATIONAL OFFERINGS, ENSURE THAT THE DEPARTMENT HAD QUALIFIED STAFF ON BOARD TO DELIVER PROGRAMS, AND PROVIDE APPROPRIATE FACILITIES FOR EDUCATIONAL AND VOCATIONAL PROGRAMS. BEGINNING IN FISCAL YEAR 1987, THE DISTRICT ASSUMED FULL RESPONSIBILITY FOR CONTINUING THESE PROGRAMS IN ITS APPROPRIATED BUDGET. IN FY 1988, WE SPENT $8.5 MILLION TO OPERATE THE EDUCATIONAL PROGRAMS. THE FY 1989 BUDGET INCLUDES $11 MILLION FOR EDUCATIONAL PROGRAMS WITH 200 POSITIONS. IN FY 1990, WE HAVE

INCLUDED $12 MILLION AND 200 POSITIONS FOR EDUCATION PROGRAMS IN OUR BUDGET REQUEST.

THIS MAJOR INFUSION OF MONEY AND POLICY DIRECTION HAS HAD A SIGNIFICANT IMPACT ON DEPARTMENT OF CORRECTIONS PROGRAMS AND PLANS FOR THE FUTURE. THE FIVE-YEAR OPERATIONAL MASTER PLAN, WHICH WAS PUBLISHED IN DECEMBER 1988, EMPHASIZES THE NEED FOR A CONTINUUM OF PROGRAM OPPORTUNITIES FOR INMATES WHO ARE IN OUR CUSTODY. THE CRIMINAL JUSTICE INITIATIVE PROVIDED THE FOUNDATION FOR THOSE OPPORTUNITIES.

IN ADDITION TO THE FULL RANGE OF ACADEMIC PROGRAMS (E.G., MATH, ENGLISH, READING), WE OFFER SUCH VOCATIONAL COURSES AS AUTO MECHANICS, AUTO BODY, BRICK MASONRY, BARBERING, BUILDING MAINTENANCE, BUSINESS TYPING, COMPUTER REPAIR, CULINARY ARTS, CARPENTRY, DENTAL TECHNOLOGY, PAINTING, WORD PROCESSING AND THE LIKE.

LET ME TAKE A FEW MOMENTS TO BRIEFLY HIGHLIGHT SOME OF THE ACCOMPLISHMENTS WE'VE REALIZED IN THE SPACE OF A FEW YEARS. THESE ARE ACCOMPLISHMENTS ABOUT WHICH WE SHOULD ALL BE PROUD.

THE AVERAGE DAILY ENROLLMENT IN OUR ACADEMIC PROGRAMS INCREASED FROM 1,607 IN FISCAL YEAR 1984 TO 3,521 IN FISCAL YEAR 1988, A 119 PERCENT INCREASE. AVERAGE DAILY ENROLLMENT IN ADULT BASIC EDUCATION IN FY 1984 AND FY 1988 WERE 528 AND 1,035, RESPECTIVELY, AN INCREASE OF 182 PERCENT. THE AVERAGE DAILY ENROLLMENT IN VOCATIONAL PROGRAMS GREW BY 117 PERCENT BETWEEN FY 1984 AND 1988 (349 AND 705). WE ARE ALSO ENCOURAGED THAT SINCE FY 1984 A TOTAL OF 1,263 INMATES HAVE TAKEN THE GED TEST; 787 RECEIVED PASSING GRADES, A RATE OF 62 PERCENT.

OBVIOUSLY, IT IS IMPORTANT TO MAINTAIN UPDATED INFORMATION BY WHICH TO ASSESS THE EFFECTIVENESS OF THIS INITIATIVE. ONE

INDICATOR OF SUCCESS IS THE EXTENT TO WHICH INMATES WHO PARTICIPATE IN THIS PROGRAM OBTAIN JOBS AND REMAIN IN THE COMMUNITY UPON RELEASE. OUR DATA REVEAL THAT THE SUCCESS OF ALL RELEASEES DURING FISCAL YEAR 1987 (5,756) WAS 41 PERCENT, THE SUCCESS RATE FOR RELEASEES WHO OBTAINED JOBS AFTER PARTICIPATING IN THE EDUCATIONAL PROGRAM (77) WAS 56 PERCENT. FOR FISCAL YEAR 1988 THE SUCCESS RATE FOR ALL RELEASEES (8,352) WAS 58 PERCENT; FOR INDIVIDUALS PLACED IN JOBS AFTER PARTICIPATING IN THE INITIATIVE (230) IT WAS 78 PERCENT. IMPLEMENTATION OF THIS PROGRAM, AS YOU KNOW, WAS NOT WITHOUT ITS PROBLEMS. UNFORTUNATELY, THE BUREAUCRACY OPERATES SLOWLY AND IT TOOK SOME TIME TO GET ALL ASPECTS OF THE PROGRAM IN GEAR. ON THE CAPITAL SIDE, CONSTRUCTION OF ACADEMIC BUILDINGS AT THE LORTON CORRECTIONAL COMPLEX WAS DELAYED BECAUSE OF A NUMBER OF MANAGERIAL AND CONTRACTING DIFFICULTIES WHICH WERE DOCUMENTED IN THE GENERAL ACCOUNTING OFFICE (GAO) REVIEW OF THIS PROJECT. I HAVE MONITORED PROGRESS ON THIS PROJECT AND AM PLEASED TO REPORT THAT ALL CONSTRUCTION WILL BE COMPLETED BY SEPTEMBER 1989. THIS INCLUDES TWO NEW BUILDINGS AT THE CENTRAL FACILITY FOR ACADEMIC AND VOCATIONAL CLASSES RESPECTIVELY, A NEW LEARNING CENTER FOR THE MAXIMUM SECURITY FACILITY, AND A NEW AUTO BODY SHOP FOR PRISON INDUSTRIES. ACADEMIC SCHOOLS ARE COMPLETE AND OPERATIONAL AT THE YOUTH CENTER, THE MEDIUM SECURITY FACILITY (FORMER YOUTH CENTER II), AND OCCOQUAN FACILITIES.

WE ALSO WERE SLOWER TO FULLY IMPLEMENT THE PROGRAM INITIATIVES THAN I WISHED. HOWEVER, UNDER THE LEADERSHIP OF HAL WILLIAMS, DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, AND GWYNNE H. WASHINGTON, ASSISTANT DIRECTOR FOR EDUCATIONAL, INDUSTRIAL AND AGRICULTURAL PROGRAMS AND DR. MARGARET LABAT, THE FORMER ASSISTANT DIRECTOR FOR EDUCATION, WE HAVE EXPANDED COURSE OFFERINGS, IMPROVED THE CALIBER OF OUR EDUCATIONAL STAFF THROUGH REQUIRED CERTIFICATION, AND BEGUN TO FOCUS MORE HEAVILY ON JOB PLACEMENT AND SUCCESSFUL REINTEGRATION INTO THE

COMMUNITY. IN JANUARY 1989, THE INSTITUTE FOR ECONOMIC AND POLICY STUDIES COMPLETED A COMPREHENSIVE ANALYSIS OF THE EFFECTS OF THE CRIMINAL JUSTICE INITIATIVE. AS YOU KNOW, THE STUDY WAS PREPARED FOR THE NATIONAL INSTITUTE OF CORRECTIONS, U.S. DEPARTMENT OF JUSTICE, AT THE REQUEST OF SENATOR SPECTER. THAT STUDY CONCLUDED THAT "SIGNIFICANT CHANGE HAS OCCURRED IN THE DELIVERY OF VOCATIONAL AND EDUCATIONAL PROGRAMS IN DEPARTMENT FACILITIES SINCE THE BEGINNING OF THE CRIMINAL JUSTICE INITIATIVE." THE STUDY ALSO IDENTIFIED AREAS FOR FURTHER IMPROVEMENT, WHICH WE HAVE ALREADY BEGUN TO IMPLEMENT. MR. WILLIAMS AND MRS. WASHINGTON CAN PROVIDE ADDITIONAL DETAILS ON CURRENT PROGRAM PARTICIPATION AND PLANNED ENHANCEMENTS.

THROUGHOUT THIS IMPLEMENTATION PROCESS, HOWEVER, WE HAVE FACED UNRELENTING POPULATION GROWTH WHICH MAKES IT DIFFICULT AT BEST TO FOCUS ON AND ENSURE CONSISTENCY IN INMATE PROGRAMMING. MR. WILLIAMS AND HIS SENIOR MANAGERS HAVE TO MAKE DAILY DECISIONS ABOUT MOVING INMATES TO STAY WITHIN COURT-ORDERED CAPS AND MAKE ROOM FOR THE DAILY INFLUX OF NEWLY-SENTENCED INMATES -- DECISIONS WHICH SOMETIMES INTERFERE WITH CONTINUED PROGRAMMING FOR INMATES. WE HAVE STANDARDIZED ACADEMIC PROGRAMS THROUGHOUT THE SYSTEM SO THAT WHEN AN INMATE MOVES FROM ONE FACILITY TO ANOTHER, HE CAN PICK UP WHERE HE LEFT OFF. THOSE TRANSITIONS ARE MORE DIFFICULT IN VOCATIONAL AND APPRENTICESHIP PROGRAMS WHICH ARE NOT OFFERED AT ALL FACILITIES. SUCH TRANSITIONS ARE IMPOSSIBLE FOR INMATES WHO ARE TRANSFERRED TO OUT-OF-STATE FACILITIES. THAT IS WHY CONTINUED IMPLEMENTATION OF THE PROGRAMS YOU HELPED US START, ALONG WITH OTHER PROGRAM PRIORITIES IN THE MASTER PLAN, HINGE ON SIGNIFICANT EXPANSION OF PRISON CAPACITY.

WE HAVE HAD TO MAKE CRITICAL DECISIONS ABOUT HOW TO RUN OUR INSTITUTIONS IN THE FACE OF UNRELENTING POPULATION GROWTH, LIMITED SPACE, AND THE NEED TO MAKE THE MOST EFFECTIVE USE OF

RESOURCES. THE DEPARTMENT OF CORRECTIONS BUDGET HAS GROWN MORE DURING THE PAST TEN YEARS THAN ANY BUDGET IN THE CITY. IT WILL CONTINUE TO GROW UNTIL WE CAN CONFRONT SOME OF THE FUNDAMENTAL PROBLEMS IN OUR SOCIETY THAT ARE SENDING UNPRECEDENTED NUMBERS OF YOUNG BLACK MEN TO PRISON.

DESPITE THESE OBSTACLES, WE REMAIN COMMITTED TO CREATING AN ENVIRONMENT WHERE INMATES HAVE MEANINGFUL OPPORTUNITIES TO BEGIN TO COMPENSATE FOR THE SEVERE DEFICIENCIES THAT CONTRIBUTED TO THEIR CRIMINAL BEHAVIOR IN THE FIRST PLACE. WE PLAN TO FOCUS MORE HEAVILY ON CREATING PARTNERSHIPS WITH THE D.C. PUBLIC SCHOOLS, THE UNIVERSITY OF THE DISTRICT OF COLUMBIA, BUREAU OF APPRENTICESHIP AND TRAINING IN THE DEPARTMENT OF EMPLOYMENT SERVICES, AND COMMUNITY RESOURCES TO STRENGTHEN PROGRAMS INSIDE THE INSTITUTIONS AND PROVIDE APPROPRIATE SUPPORT SYSTEMS OUTSIDE. NOW THAT THESE PROGRAMS HAVE BEEN IN PLACE FOR SEVERAL YEARS, WE ARE ALSO IN A BETTER POSITION TO LOOK CLOSELY AT THE FACTORS THAT CONTRIBUTE TO SUCCESS AFTER RELEASE.

LET ME CLOSE BY THANKING THIS COMMITTEE IN GENERAL, AND SENATOR SPECTER IN PARTICULAR, FOR THEIR INSIGHT, CREATIVITY, AND SUPPORT. WE OBVIOUSLY HAVE A LOT MORE TO DO TO MAKE SURE THE INMATES WHO GET OUT, STAY OUT, AND MORE IMPORTANTLY TO FIND WAYS TO KEEP THEM OUT OF PRISON IN THE FIRST PLACE. WE ARE MAKING PROGRESS, AND EVERY STEP COUNTS.

HAL WILLIAMS, WALTER RIDLEY, GWYNNE WASHINGTON AND I WILL ELABORATE ON ANY OF THE ISSUES YOU WISH TO PURSUE.

THANK YOU.

OPENING REMARKS OF CHAIRMAN BROCK ADAMS

Senator **Adams**. Thank you very much, Mr. Mayor.

I will reserve an opening statement at the present time.

I want to personally thank Senator Specter for not only his interest, but it shows the great continuity which this subcommittee has, his being a former chairman and his desire to participate in this hearing, and we are going to look to him to take the lead in this hearing on corrections, because of the work that he has done.

I would like to turn at this time to Senator Gramm, who has a short opening statement that he must make.

We understand, Mr. Mayor, that you have to leave at 11 o'clock.

Mr. Williams, we regret your decision to resign. We are pleased to have you here this morning so we will have at least one last opportunity with you, and I will indulge in that fully in a little while.

Mayor **Barry**. That private sector is awfully attractive out there, and it is hard to keep us public servants working hard.

Senator **Adams**. Yes.

Senator Gramm?

Senator **Gramm**. One advantage of the private sector, besides better pay, is you don't have to come to these hearings. [Laughter.]

PERSONS CHARGED WITH A FELONY POSSESSING A FIREARM

Mr. Chairman, thank you, and Mr. Mayor, welcome back before the committee.

When we were together last, we talked about the problem that is faced by the community when we have violent criminals, or at least people who exhibit their violence by committing felonies, while possessing a firearm.

I wanted you to know that I met with our U.S. attorney, Jay Stephens, and he has assured me that in the future that people arrested in the District of Columbia on felony charges that possess a firearm at the time that they committed these offenses, or alleged to have committed them, will produce a situation where the U.S. attorney's office, routinely, will ask that they be held until they can be tried—that there be no pretrial release.

Now, our U.S. attorney asked me to point out that he is turned down twice as often, currently, on his requests that pretrial release be denied by the District courts as he is by the Federal courts.

He suggested that it would be very helpful in achieving the objective that we all want, if the council would pass a provision that set out the presumption that somebody charged with a felony, who possessed a firearm at the time that they committed this felony, is dangerous, thereby strengthening his position when he goes to District court.

And I will, Mr. Mayor, get him to submit language to you that he thinks would strengthen his position. So I just wanted to let you know, we are beginning to make a little progress.

I will have him send this language to you, and I would certainly appreciate it, as I am sure the law-abiding citizens of the District of Columbia would, if the council would look at it, and see if they can take an action that will strengthen his hand.

But I just wanted you to know that I am assured that henceforth, and forever more, that we will have the request made, either to the District courts or to the Federal courts, that someone who is apprehended on a felony charge and possesses a firearm during the commission, that the U.S. attorney will request that they not be given pretrial release.

Let me also say, Mr. Chairman, that I don't need to be convinced about the necessity of building a new jail in the District of Columbia. All anybody has got to do is to tell me what they need done to make that possible, and I will get busy in trying to see that we clear away the obstacles to doing this.

I think we have a strong bipartisan base of support here on this committee, and in the Congress, as exhibited by the vote on Senator Specter's amendment.

If you will tell us what has to be done to make this a reality, we will try to do it. I think it is very important that this jail be built, and I am going on to another committee, but I don't need to be convinced.

All I need is for somebody to tell me what we have got to do to make it a reality, and I am willing to do anything within reason to see that happen, and I look forward to working with you, Mr. Mayor, on this.

Mayor BARRY. Thank you, Senator Gramm.

Let me say that I will make sure we get that language today from the U.S. attorney, and I will send a bill over to the council.

Senator GRAMM. Good.

Mayor BARRY. In the next day or so, and even on an emergency basis ask them to pass that.

Moreover, Senator Gramm, I will personally call the chief judge of the superior court, Judge Ugast, and urge him to urge his fellow judges, even though judges are independent, to at least have some consistency in the judicial philosophy of granting the U.S. attorney those requests when it is clear that these persons were armed while committing a felony, particularly if you are caught with the gun on you.

It would be different if there was some allegation that maybe the gun was around the corner, or 500 feet from you, and there is a debate about whether it is your gun. But if you have a gun on you, it seems to me that the question is not whether you are guilty, it is how much time you are going to get.

Senator GRAMM. Well, I think again—I know we have lots of jurisdictions here, but we now have the U.S. attorney who is committed that he is going to do his part. If we can get the council to change the law so that you have the presumption that if somebody is charged with a felony, and if they are carrying a gun, that they are dangerous, and I think everybody in the room would agree that they are under those circumstances.

Mayor BARRY. Absolutely.

Senator GRAMM. Then I think we can go a long way toward doing it, and I want to thank you, Mr. Mayor, for bringing this to our attention.

COURT CASE REGARDING THE CORRECTIONAL TREATMENT FACILITY

Mayor BARRY. Also, Senator, we are going to be in court tomorrow, May 18, regarding the correctional treatment facility. We hope that the resolution that the Senate passed will assist us legally. We are going to be awfully pushy with the judge, in that he ought to dismiss this case, and let us go on about building this jail.

We are prepared to do it, and the only hinderance right now is that court suit being heard tomorrow. If there are things that develop there, where the Senate can be helpful, I certainly will let you all know immediately after the hearing.

Senator GRAMM. Well, in trying to build this jail, you are doing the Lord's work, and I am eager to be on your side. [Laughter.]

Thank you, Mr. Chairman.

NO PRETRIAL RELEASE FOR PERSONS POSSESSING A GUN WHILE COMMITTING A CRIME

Senator ADAMS. Thank you, Senator Gramm.

I want to state again, Mr. Mayor, that I also have talked with the U.S. attorney as this has progressed. We have had a series of hearings, and we are going step by step through this process, to be certain that there is no indication that there is any bifurcation of the system.

I will echo Senator Gramm's remarks, that we will do any and all things that are possible for this subcommittee to do, in order that people using firearms during felonies will be picked up.

We will have the judiciary before us tomorrow. We obviously cannot tell the judiciary how to run the judiciary's business, but we will make it very clear that the facts of the matter are that the City Council is considering this matter—what is happening in the Federal as opposed to the State courts.

There is, in my opinion—and I want to be sure that this is understood so that it is a bipartisan matter—there is no excuse for someone committing a felony, using a weapon, to not be considered dangerous and to be taken off of the streets. It is the only way that we will stop the killing that we have, and the maiming.

I, too, am very pleased that you mentioned this, and we will continue to act, section by section, on each part of this system, until we make it work. And one of the most important parts of this system is the correction facilities system.

I have before me, and I know that you have available—and I am going to turn in a moment to Senator Specter, who I want to compliment for having started this process years ago, and following through with it—the GAO report of 1987, and the GAO report of January 15, 1988, both addressed to Senator Specter when he was then chairman of this subcommittee, indicating the progress that has been made, or not been made, with regard to corrections, and to the rehabilitation programs.

It is not the point of this committee, both in this oversight and in preparation for the appropriation of money, to simply be critical. We just want to have the job done.

As we hear from you, and your other officials, as to the steps that may be taken, this committee wants to be in a position to respond to those.

USE OF CAPITOL POLICE

Now, Mr. Mayor, I have also talked to people in the U.S. Capitol Police Department, and if the city will make specific requests to these agencies that I have indicated, for additional help, for transfer of officers, and indicate the use that these officers would be put to, so that they know how they will be assigned, and what units they will be in, and I want to urge you to do this, because we want to help assist getting you more people on the street.

I will, at the time the Senate considers the supplemental appropriations bill, recommend, I hope with Senator Specter's help, reprogramming of money to assist in the payment of overtime for the Metropolitan Police officers who are on the streets, by reprogramming from prison moneys that would have gone to the Federal Bureau of Prisons are there, and to make additional inaugural moneys available to reimburse the District for those overtime costs.

What I am trying to say to you, and Mr. Williams, and to the City Council through these hearings, is that we are doing everything we can to give you the resources on the street, so that we can proceed with this as a total system, to stabilize it, and once we have stabilized it, to move forward with the treatment and rehabilitation programs, and education programs that are necessary to keep it that way.

ACKNOWLEDGING HALLEM WILLIAMS, DIRECTOR

Mr. Williams, we want to thank you for your service, but we hope you will also remain interested. I am not trying to make a final decision, or pass judgment on these proposals that I read about in the media, of having a new prison in various portions of the United States for prisoners here, and things to be done to Lorton.

But I do want to say this, that you will find that I am, and most of the members on this committee are activists. We don't like to talk about these things as they just keep getting worse and worse.

We want actions to move forward, and we are willing to take the necessary political and other risks to have them move forward, because as Senator Specter, I think, probably wants to point out now, we have been working on this one prison that he started for about 4 years, and that is much, much too long.

These reports, all of which I have now read, indicate that there are all kinds of reasons for the delay, but I don't want to hear any reasons. We just want to have the facilities available.

As you heard from Senator Gramm, as we learn of any portion of this system that is preventing us from handling this problem of drugs and crime on the streets—and I testified yesterday and talked with Secretary Kemp on the public housing projects, on evictions and abatements, and a potential Federal law for prohibition of the sale of drugs within 25 feet of any Federal housing project being made a crime—we will work at any and all parts to help this city have a model program.

Now, I am going to turn to Senator Specter, to whom I want to express my gratitude for the service that he has given. He requested particularly that this hearing be held, and I want to assist him as he moves forward, and to build on his knowledge.

You may rest assured, Senator Specter, that whatever you start, I am going to finish.

Senator Specter?

Senator **Specter**. Well, Mr. Chairman, not if I finish it first.

Senator **Adams**. No; I would like to have that, too. [Laughter.]

Mayor **Barry**. Let me correct myself, Senator Specter. Alderson is in West Virginia, not in Pennsylvania. I was saying Gwynne Washington was formerly the warden at Alderson Federal Penitentiary for Women, and I indicated it was in Pennsylvania, but it is in West Virginia.

I guess you have enough prisons in Pennsylvania, too.

Senator **Specter**. Well, now, let us move on to the question of how well this education and job training program is going.

RESPONDING TO MAYOR BARRY'S REQUESTS

Just one thought in advance, and that is, Mr. Mayor, you have seen the subcommittee respond. When you were here last you asked for some help in advance of your hearing before the court on May 18, and we produced a unanimous 98 to nothing vote on my amendment, urging the court to proceed with the construction of the prison.

You have heard the statements that we are ready, willing, and able to help you, and I believe that if we can move ahead on this rehabilitation aspect, and show success, that it can have great importance for the District of Columbia, and also for the country.

But taking a look now, Mr. Mayor—and you may want some assistance from those who are with you on the specifics—I would like to focus on the statistical results which reflect on the value of the program.

SUCCESS RATE OF PERSONS IN EDUCATIONAL/VOCATIONAL PROGRAM

Now, I have received a letter from Director Williams, just a few days ago, dated May 9, 1989, and in the year 1987, there are very impressive statistics which show that, on a total people released of some 14,153 in 1987, that the success rate of people who were placed in jobs was 61 percent, contrasted with the total success rate of those not placed in jobs at 41 percent.

If you took out the people placed in jobs from the total, there would be even a greater disparity of 20 percent.

In the year 1988, of the 14,419 people released, the success rate was 58 percent generally, but 81.4 percent for those who were placed in jobs.

My question is, to what extent were those who were placed in jobs beneficiaries of the literacy and vocational training programs that have been put into effect as a result of what this committee did in 1983, 1984, and 1985?

Mr. **Williams**. Senator Specter, in 1988, there were 294 individuals who participated in the educational program, the literacy program, of which 230 were defined as successful.

In 1987, the figures are 137 and 77, respectively.

One thing I want to point out, and I am looking at——

Senator **Specter**. Wait a minute. I see those figures, but the question is, did all of these people who were placed in jobs participate in the education and job training programs?

Mr. **Williams**. No; and I am saying that this category—the subcategory that I just gave you, which is titled, "Individuals Placed in Jobs Who Also Participated in Educational Programs," constitutes those individuals who actually came through the program.

Now, Senator, as you know, all people who come to the prisons are not educationally deficient, and there are some who, as we have talked before, do have high school diplomas, and do have job histories. So it is not anywhere near 100 percent of the cases that will be necessarily in the academic program.

Senator **Specter**. Fine, Director Williams, I understand that some don't need it and some do.

Mr. **Williams**. Yes.

Senator **Specter**. What I would like to make a determination on is, of those who do need it, some took it and some didn't.

Mr. **Williams**. Yes.

Senator **Specter**. And what I am trying to find out is, was the success ratio higher for those who took the educational programs who needed it, than for those who did not take the educational programs who needed it?

Mr. **Williams**. Absolutely.

Senator **Specter**. How much?

Mr. **Williams**. Significantly higher. And if you look, Senator, as an example, in 1988, the total releasee figure that you cited, which shows 8,352 as the number of successes, which is 58 percent—if you simply use that aggregate number and compare it with the success rate for those who needed it and came through the program, of 78 percent, there is a significant benefit derived, if you simply look at those variables. There is a significant benefit that derives for having participated in the program.

Senator **Specter**. So the statistics show a 20-percent increase on success rate for 1988, for those who go through your education and job training programs?

Mr. **Williams**. Who go through the education program and obtain jobs.

As you know, Senator, the job training program is integrated into the educational program. When people are within 120 days of their statutory eligibility for release, there is an employability development process which kicks in, and the counselors from the Department of Employment Services, and our counselors on the staff of the Department of Corrections, counsel and work with them on interviewing techniques, job opportunity, and facilitate that process.

So it is an integrated process.

CHANGING THE VALUE SYSTEM OF THE PRISONERS

Mayor **Barry**. Mr. Chairman and Senator Specter, it is probably much more difficult than one realizes, and Ms. Washington has to deal with it every day. It's also a value system, trying to get to people who had a pretty long life or history of criminal activity.

Seventy percent of the people who are in our adult system came through our juvenile justice system. That is not just true in Washington, but most juvenile justice systems, including my own, do not work very well.

It sends kids back into the same environment which they came from. We are drastically trying to change that, but we also have to change the values, where people see working legally as a positive direction in their life, working legally at a level of income maybe significantly below what they were making when they were out here, particularly out here with this drug market now, is part of what we have to try to do also.

I think that is another benefit of this program. When they can see success stories, they can see some of their peers who have been in jail with them, get out, go through the program, even though the numbers may not be as large as we would like them, they then become symbols of success.

One other thing we are going to try to start doing with our parolees is to have weekly counseling sessions, where those who have been successful can say, "Look at me, I came out. I may not make as much money as I made when I was hustling on the streets, but I am making it legally now," as an incentive to those who are not quite there yet.

You have been in this system for a long time, and you know that it is not just enough to put someone in the program, you have to also get their mental state and their spirit reoriented, where it is one of production, as opposed to one of destruction.

Senator SPECTER. Mr. Mayor, what you are saying is that, where you have success for those who go through the education and job training program, it is a role model for others, and gives them hope, and there will be a momentum of the program as it moves through, giving motivation to others to complete the job training and educational program.

Now, that is your feel for the subject. Do you have any hard evidence? Or any illustrations to prove that?

Mayor BARRY. I am also saying that, from what I can gather—and Ms. Washington and Mr. Williams are in the trenches fighting this—I just see it at a different level—that the turnaround and mindset is not something that you break very, very easily.

We know human behavior is something that changes over time, and socialization changes over time, but maybe Mr. Williams or Ms. Washington can speak to that, in terms of the role modeling of this.

Mr. WILLIAMS. Senator, we are building a data base. Let me——

Senator SPECTER. I would like to hear some hard evidence, if you have it.

Mr. WILLIAMS. OK, well, Senator, it is difficult in the social sciences, as you know, to ascribe causal relationships with definity, and we suffer from the fact that a great deal of our data is anecdotal, in the sense that we have not, over the period of time, done the systematic analysis which says that John Jones made a decision not to continue his career pattern because of a role model.

Senator SPECTER. Let me—I don't want to interrupt you, but we don't have a great deal of time. The Mayor has to leave at 11 o'clock.

Mr. WILLIAMS. Sure.

SUCCESS RATE OF THOSE WHO FINISHED THE EDUCATIONAL PROGRAM

Senator SPECTER. We can hear the sense of it later. I would like to deal with the hard evidence. It seems to me you have some hard evidence here. We dealt with one bit of it on the 1988 statistics, where you conclude from these statistics that you had a 20-percent higher success rate for those who finished your education program, which includes job training, than didn't.

And your 1987 statistics show a——

Mr. WILLIAMS. Fifteen percent.

Senator SPECTER [continuing]. Fifteen percent differential. Forty-one percent success rate totally, 56 percent success rate for those who participated in the education program

Now, the 1987 statistics are 15 percent, the 1988 statistics are 20 percent. Is that increase attributable, in your judgment, to improvements in the program in the extra year of operation?

Mr. WILLIAMS. We would like to think, Senator, that it is improvements in the program, but, in fairness, there is also the time-lag. As you know, most people who are going to recidivate actually do it within a 3-year period, and so what we will have to do is to trace that out, and look at whether this evens out.

Senator SPECTER. Well, they have had an extra year to recidivate, as you put it.

Mr. WILLIAMS. That is right.

Senator SPECTER. Do you have any other statistics which show the better success rate for those who have gone through your education and training programs?

Mr. WILLIAMS. Senator, not in a fashion that would enable me to simply laundry list that for you. What we do have, in terms of hard evidence, is looking at the increased enrollments, looking at the increased excitement level, looking at the increased participation on the part of the inmates, looking at the fact that over the past several years, under your direction, and expanding our GED preparation, we have a 62-percent passing.

So what we are doing is equipping people to come back into the community.

Senator SPECTER. All right, let us deal with that 62 percent figure.

Mr. WILLIAMS. Sure.

Senator SPECTER. The Mayor had mentioned it, but I did not see any comparative statistic before the program was put into effect.

While the search is being made for that statistic, Director Williams, let me come back to your point on the longer period for recidivating, or getting back into trouble.

It is true that on your 1987 statistics they had an extra year to have another run-in with the law, but so do all the people who did not go through the program. So, in 1987, where they had an extra year to get back into trouble, you had only a success rate overall of 41 percent, contrasted with 58 percent in 1988, when they had 1 year less.

But the differential is still higher for those who went through the program, on a 20-percent factor, as opposed to a 15-percent factor the year before.

Mr. **Williams**. Sure. I do, Senator, and that is why I said that certainly it is a combination, in my view, of improvements effected to the program, refinements in the program, staff training, and preparation—all of that factors in, I believe, to the steady increase in the success rates for the program.

NUMBER OF INMATES PASSING THE GED EXAM

Senator **Specter**. We were on the point that 62 percent passed the GED test after the program was put into effect, and how many before?

Mayor **Barry**. Senator Specter, I have some additional data here, which indicates that in 1984, out of the persons who took the examination, 63 percent passed. The latest data we have, for fiscal year 1989, indicates a significant increase in passing, that is 85 percent of those who took it passed the GED.

Senator **Specter**. So in 1984 it was 60——

Mayor **Barry**. Sixty-three percent.

Senator **Specter**. Sixty-three percent?

Mayor **Barry**. And in fiscal year 1989, which is this fiscal year, up until this point, 85 percent have passed.

Senator **Specter**. Do you have the statistics in 1988, where you have a full fiscal year?

Mayor **Barry**. 1988, I don't know what happened here. It says——

Mr. **Williams**. Sixty.

Mayor **Barry**. Sixty percent. What happened here?

Mr. **Williams**. Sixty percent.

Ms. **Washington**. Sixty percent.

Senator **Specter**. How about 1987?

Mayor **Barry**. The national test was changed from 1987, I guess, to 1988. The people who administer tests—and I am not an expert in this—tell me that when you change the nature of the exam, the first year you are going to find a dropoff in the passing rate.

I know it happened here in our school system 2 years ago, when we changed the nature of the exam, the first year——

Senator **Specter**. Do you think the change in the nature of the exam would make the figures unreliable, or not in——

Mayor **Barry**. Well, it accounts for some drop. They are reliable, but I think what happens——

Senator **Specter**. But not comparative?

Mayor **Barry**. The teachers have a tendency to try to teach what the test is trying to test for—and I used to teach a little bit myself—you have a tendency to then try to emphasize those parts of the test that people take that you can strengthen their knowledge about. So, therefore, they are better able to take the test.

Not the questions themselves, but if you are trying to test whether or not a person can read, the exact question may change but the complexity of the sentence may remain the same.

So you may teach complex sentences as opposed to simple sentences, and so Ms. Washington tells me that was the year they changed the test nationally. The ideal would be to check other systems around the country to see whether or not they had the same kind of falloff as we did.

That would be, I guess, scientifically the best way to do it.

Senator SPECTER. Mr. Mayor, you have the statistics for 1984, and you say the test was changed in 1987, so it would not be an accurate comparison between 1984 and 1988, when the statistic went down to 60 percent.

Mayor BARRY. I don't think so. As I said, Ms. Washington just told me the test changed in 1988.

Senator SPECTER. All right. Well, if you could check that out——

Mayor BARRY. Right.

Senator SPECTER [continuing]. And provide the subcommittee with the statistics, that would be very helpful.

Mayor BARRY. But I think the general trend, though, is that if you look at the numbers prior to us getting full swing into this initiative, I would conclude that it has helped us get more people passing the GED, and others, than before the initiative.

Senator SPECTER. Well, what numbers show you that?

Mr. WILLIAMS. Senator Specter, I didn't bring the specific sheet, and we can furnish you that, but it is my recollection that the rate of passage was at 50 percent or below, and we will furnish that.

The only issue, with respect to the fiscal year that we were talking about, fiscal year 1988, is not any aberration in the percentage, it is simply an explanation as to why the numbers of individuals taking the test, and passing the test, went down. That was because of a shift in the number of times it was administered, and some of the criteria associated with the test.

So there is comparability in the percentages, and the percentage of 62 percent is an aggregate percentage of the rate of passage between fiscal year 1984 and fiscal year 1988. The first part of fiscal year 1989, the rate of passage is 85 percent.

Senator SPECTER. But your overall judgment is, based on the totality of the statistics, some of which you do not have, is that there has been an increase in passage of the GED test after this program went into effect?

Mr. WILLIAMS. That is correct. Not only that, because of testing policies, and because of the availability of instruction, there have also been more people who have had the opportunity to take the coursework, and to even have the test administered.

So, in that respect, it is also quite significant.

COMPARISON OF TOTAL INMATE POPULATION TO TOTAL IN EDUCATIONAL PROGRAM

Senator SPECTER. All right, that is the next subject that I would like to take up, and that is, what is the availability of the educational program, comparing the total number of inmates, and the total number of people who take the educational program?

Mr. WILLIAMS. Well, if we focus on the different components of the program starting with the academic program, if we look at the average daily population of the Department—the total average daily population—it is approximately, or was in fiscal year 1988, approximately 8,000 on any day.

The average daily enrollment for the academic programs in fiscal year 1988 was 3,521. That compares with 1,607 in fiscal year 1984.

Between 1984 and 1988, as the Mayor has testified, there has been a 119-percent increase in academic enrollments. In the adult basic education program, the average daily enrollment in fiscal year 1984 was 528. In fiscal year 1988, it was 1,491.

This translates into a 182-percent increase between fiscal year 1984 and fiscal year 1988.

Senator SPECTER. Now, you say that's the adult education program?

Mr. WILLIAMS. Adult basic education.

As you know, Senator, as we testified before this committee last year, one of the reforms that was effected as a result of your leadership, and the Mayor's leadership was the institution of a departmental policy, under which anyone who, on intake, tests below the eighth grade level is mandated to participate in adult basic education.

Having said that, as we talked to you before, part of our problem has been the sheer numbers coming into the system, and the overwhelming nature of those numbers.

We have not been able to administer the tests to 100 percent of the persons coming in, but to the extent of our resources and staff capabilities, we are testing; and where we find less than eighth grade achievement level, we are mandating enrollment in adult basic education.

Senator SPECTER. When you mandate enrollment, does it always stick? Do they really do it?

Mr. WILLIAMS. Unfortunately, no.

Senator SPECTER. Can you make all the horses that you lead to water drink?

Mr. WILLIAMS. We certainly can't. I wish we could. I wish we could pass straws out, and have that happen.

Senator SPECTER. What is your success rate of those for whom you mandate the educational program actually taking it or completing it?

Mr. WILLIAMS. I don't have that statistic.

Ms. Washington, if you have that, you can speak to it. If not, we would be happy to furnish what we have for the record, Senator.

If I might go on, with respect to vocational programs, which is also a significant component, in fiscal year 1984, there were 349 enrolled on an average daily basis in vocational programs. In fiscal year 1988, there were 759.

This represents a 117-percent increase.

There are also apprenticeship programs, and we have only a slight increase there. There is a lot of difficulty, as you know, with apprenticeship programs, and the apprenticeship requirements, and the fact that people who enroll in those programs, No. 1, have to have gone through a fairly significant academic process in order to qualify for some of the apprenticable programs.

Second, some of the programs are of 5 years duration, some are of 3 years duration. One of the citations in the National Institute of Corrections sponsored report was that we needed to work better with facilitating linkages with the private sector, with the business community, and the educational system out in the community, so that there is a continuum of programming, from the institution back into the community, so that there is not a disruption.

And we are working on that.

DEPARTURE OF MAYOR BARRY

Mayor **Barry**. Senator Specter and Senator Adams, I would like to ask if I could be excused. As you recall, Senator Specter, I had something previously planned at 10 o'clock, and after talking to you, and knowing of your deep commitment to this program, I agreed to come personally to show my strong support for this program, to take whatever responsibility for some of the shortcomings, to highlight the good parts of this program, and to urge the Senate, as you look at prison construction, to also try to find a way to look at rehabilitation as part of our national thrust.

So I hope you don't mind if I leave my staff here to answer these questions, because of a very tight, tight schedule.

Senator **Specter**. Mr. Mayor, you and I did have that talk, and the final word on it is up to the chairman—he is the top board on the committee.

But speaking for myself, I appreciate your coming, and I know you had to rearrange your schedule, and I do know of your personal commitment to this education and vocational program, because you and I have worked on it now for some 6½ years together.

I think it is important that the Mayor comes and participates, and it has a difference—people in the prison will be reading about these hearings, and hearing about these hearings, and will know of the Mayor's interest, and that is very significant, and so will all of your subordinates—that you are personally interested, and that, when the time comes for oversight, the Senators will have an opportunity to question the Mayor.

And that means that the Mayor will have a keener interest in questioning the Director, and so forth.

Mayor **Barry**. No question about that.

Senator **Specter**. That is the way the world works, so I am appreciative personally that you came, and it is 2 minutes until 11 o'clock, and we still have time to meet our commitment.

Mayor **Barry**. Mr. Chairman and Senator Specter, let me say that you are absolutely right, when bureaucracies watch for signals from the top. I have already committed myself to meeting with the staff of the educational component of this personally, and asking them a number of questions about what we are doing, and keeping the pressure on from the top, because when you have competing and conflicting responsibilities, you tend to pay attention to those things that I pay attention to, more so than those that you ordinarily would.

I intend to come back and revisit this, as you are revisiting it now. I think that in the very near future we will even have better results, because people know that you and I are watching it, and there is just a tendency in the bureaucracy to do things when you are being watched.

Senator **Specter**. Absolutely, Mr. Mayor, we are going to do this again.

Mayor **Barry**. I appreciate that, and I want to be with you when you do it, too.

Senator **Specter**. And again.

Mayor **Barry**. I am sure that Mr. Ridley, who is going to be our new Acting Director after June 17, also hears this. [Laughter.]

Senator **Adams**. Thank you very much, Mr. Mayor.

I want to echo the comments of Senator Specter.

Mr. Ridley, we will be seeing you on future days, and we have your request for the 1990 budget, with regard to corrections, and we will be examining that these have rehabilitation facilities.

I apologize for being late this morning—I was over in the Rules Committee, trying to get out a uniform poll closing bill, which we successfully did—so we all have commitments.

We appreciate your being here, and having run a very large organization in the Department of Transportation, I share the comments that were made by you and Senator Specter, the word has to go down that everybody is interested in this, and we are focused on it, and we are going to continue to watch.

I just wanted to close by saying that I hope that as you are leaving you understand that we, on this committee, have an interest in that 500 bed facility that has been held up, and is in court, and the new 500 bed facility that is proposed under the new plan that is here—plus whatever additional suggestions are being made for other facilities.

We are not trying to be the operational part of this, but as you can see from Senator Specter and myself, we want to know what you propose, that the funds are asked for, and if we have given the funds that the job gets done.

We appreciate your being here this morning, and we will proceed with the rest of your staff, and I hope you have a good morning for the rest of it.

Mayor **Barry**. Senator Adams, let me indicate, we all are rather busy, obviously. As I said earlier, I regret having to leave at this point. I don't mind staying here as long as you do, but some of these schedules you just have to deal with. Being mayor of a large city, as you know, is very complex and entails a lot of other activities.

Nobody could be any happier than me if we were cutting a ribbon for our new jail today, and to give a parallel, there is a development called Tech World, right here across from the Convention Center, that got started at the same time Senator Specter started his initiative.

It is 1 million square feet of space, and they now have topped off, the hotel is going to open there in another 7 or 8 months, and we still have not yet broken ground for our prison.

And so we want this bureaucracy, and we want this redtape, to stop. Whatever is in the way, and I wish we would be able to go out now to be cutting a ribbon today, as opposed to going to court tomorrow, quite frankly.

Senator **Adams**. Thank you, Mr. Mayor, we appreciated your being here this morning.

Mayor **Barry**. Thank you very much.

Mr. **Williams**. Senator, if I might?

Senator **Adams**. Yes.

QUALITATIVE CHANGES IN THE PROGRAM

Mr. **Williams**. A few moments ago we talked about qualitative changes in the program, and there is something that is significant that I do want to enter into the record.

Mrs. Washington has furnished us with statistics which reveal that as of April 30, 1989, 87 percent of all of the teachers in the Department have been certified. And that is significant, and that compares with 50 percent in 1986.

Obviously the significance of that is, as you improve qualitatively the preparation of the staff who are delivering the instructional services, hopefully there is also a corresponding improvement in the instructional methods, the methods of delivery, and ultimately, obviously, the results.

Senator **Specter**. And the improvement on the quality of the staff resulted from this program?

Mr. **Williams**. Absolutely.

AMOUNT OF FUNDING FOR THE EDUCATIONAL/VOCATIONAL PROGRAM

Senator **Specter**. What is the funding which is now being provided by the city itself, aside from the Federal funding for this program? I think it is in the range of $10 million a year?

Mr. **Williams**. In fiscal year 1989, it is $11 million, and for fiscal year 1990, we have a $12 million request. It also includes 200 positions.

Senator **Specter**. Now, is that an amount which is in excess, or different from any funding which had, heretofore, been provided?

What I am looking for, this was a seed program, where the Federal Government provided the extra money at the start, as I understand it.

Mr. **Williams**. That is right.

Senator **Specter**. And now the District of Columbia is carrying forward with this $11 or $12 million annual appropriation on its own?

Mr. **Williams**. In 1982, Senator, we had appropriated $1.3 million for education within the Department, and as a result of the initiative that you took the lead on, with the major infusion of money in excess of $29 million, I believe, in operating money over fiscal years 1984 through 1987, the District has assumed the level of effort of this program, and has maintained what was built up pursuant to this initiative.

JOB PLACEMENT EFFORTS FOR THOSE IN PROGRAM

Senator **Specter**. Director Williams, what programs does the city have on job placement? That is something we have discussed in the past, and I would like you to update us on the job placement efforts which the city has undertaken to actually find jobs for people who are released from jail.

Mr. **Williams**. OK. Several things, and I am going to ask Mrs. Washington to elaborate on them, but obviously this is of critical importance, because all of this will be for naught if we don't give people an alternative means of supporting themselves in the community, and that is what this is all about. That is what you have emphasized in all of your oversight of this program.

We have been working in conjunction with the D.C. Department of Employment Services, the Private Industry Council, organizations within the community—the employers within the community—to bring the graduates of the programs together with employment opportunities.

Most recently, two job fairs have been conducted. One, which was held in September 1988, involved some 400 inmates in our minimum security institution, and 12 employers actually came down into the prison and interviewed, actively, people who were nearing their statutory eligibility for release, who had participated in the program.

As a direct result of that job fair in 1988, 30 inmates who were eligible for work training were placed. In addition, on April 25, 1989, we had a job fair for female offenders, which took place at the D.C. Jail. Sixteen employers showed up for that particular job fair, and as of this date, six known placements have taken place. There are still some followup contacts underway.

Mrs. Washington, would you just briefly explain the employment techniques awareness preparation program, and some of the placement efforts. While the microphone is being moved down to her, let me also say that, as a general proposition, the D.C. government, under the Mayor's leadership, established a program which is referred to by the acronym STEP, and that is special temporary employment program.

The STEP program provides subsidized job placements for people who are coming out of the institution but who otherwise don't have jobs. The Department of Employment Services, the Parole Board, and the staff of the Department of Corrections, work with these people toward moving off of the subsidy into an unsubsidized placement, and staying on those jobs.

Ms. WASHINGTON. Thank you. Good morning.

Let me just indicate two areas that I think are very important at this point, Senator Specter. First of all, this year we have begun to have inmates who have completed long-term training programs since the initiative began 4 years ago.

We have had graduation for six persons who completed 4 year apprenticeship programs. I think it is important that we make sure that is understood, so that when we look at the numbers of persons who have actually gone through the program and completed, and have been put on employment, we have just reached that time where we can start to look at those figures.

The other persons who have been released are either persons who participated in the program and did not complete all of it, or were in shorter term programs.

Our job fairs have been very successful, in terms of reaching out to the community employers, by bringing them into the facility, where they have actually had an opportunity to interview inmates prior to release, to meet the staff, and to see the kinds of programs that we presently offer.

Our vocational development specialists now have contacts in the community, where persons are actually calling us for placements of inmates. We now have an inmate who works on Capitol Hill, who completed that culinary apprenticeship program.

So I feel very good about our completion figures.

You asked a few minutes ago about the numbers of persons in the adult basic education program who actually complete the program, as compared to being mandatorily placed in that program, and I can tell you that out of 2,000 during 1988, that 339 of those completed it.

The reason for that is that the majority of our students stay with us anywhere from 4 to 5 months. Because of the overcrowding, the EPA, which is the Emergency Release Program, many of them are released prior to completion of their programs.

However, to assist them with that, we have now worked out with D.C. public schools a relationship where our students, who have started both the adult basic education program and the GED prep, can be placed in those programs in the community, and I think that is certainly a step forward, for D.C. public schools to work with us in that manner.

COMPARISON OF PLACEMENT FACILITIES TO OVERALL PLACEMENT

Senator **Specter**. How would you evaluate, Ms. Washington, the placement facilities with the overall need for placement?

Ms. **Washington**. I would say it is coming. The need probably is a lot higher than we are presently able to place them in fulfilling jobs.

We have a number of employers who will take persons coming out of our facilities in some of the lower paying positions, you might say. We don't have a problem finding inmates jobs.

Where we have a problem is finding jobs at a level that they can actually move up where there is some upward mobility in the job. I think that the average salary we had during 1987 was around $6 or $7 per hour.

We hope to see that increasing this year, just based on the fact that we do have people who have completed programs, and are coming out with certificates through the Bureau of Apprenticeship and Training, and some of the other programs that we have now certified within our system.

Senator **Specter**. Just a few more questions, and I will wrap up.

It is certainly desirable to see the increase in vocational spots from 349 in 1984, to 759 in 1988, but I am sure that does not accommodate all of those who wish to take the programs.

PLANS FOR EXPANDING EDUCATIONAL/VOCATIONAL PROGRAM

What are the prospects for increasing the availability of the program even further?

Mr. **Williams**. Senator, if I might, without begging the question, let me tell you that the catch 22 involved here is that we are operating a corrections system with a combined capacity, based on court orders and rated design capacity, of approximately 7,500.

We have today 8,876 persons confined in our system.

Senator **Adams**. Let me hear that number again.

Mr. **Williams**. Approximately 7,500 is the capacity, and we have approximately 8,876 today in our institutions.

The problem, Senator, is that we are stretching our resources and the limits of the physical plant to accommodate and operate safe, secure institutions. This is why your insistence—the committee's insistence—that all parties concerned in prison expansion move forward as expeditiously as possible to do this makes so much sense.

Senator **Specter**. So you can't do as much as you would like to until you get more space and more facilities.

Mr. **Williams**. Certainly not. We have the obvious obligation, Senator, to feed every inmate three times a day, to count several times a day, which eats into the program time, to allow visits, medical treatment, and the like.

So, quite frankly, we are stretched to the limits of our physical plant's capability, with respect to delivering innovative services.

Senator **Specter**. Well, Director Williams, what has to be done is, the new jail has to be constructed. We have all said that again and again, but at the same time——

Mr. **Williams**. Not just that facility, Senator.

Senator **Specter**. Oh, I know.

Mr. **Williams**. OK.

CONTINUED MONITORING OF PROGRAM

Senator **Specter**. Yes; two, or perhaps even more by the time we have two. But I am pleased to see that you have increased the number of people in vocational training and in education, that it has gone up in the education side from 1,607 in 1984 to 3,521 in 1988.

And I am pleased to see the statistical base for the greater success rate, and we intend to keep asking these questions.

I think, at this juncture, having been through this a number of times, you have a pretty good idea as to what it is we want to know.

We want to know the availability of education and vocational programs, we want to know the availability of job placement, we want to know a statistical base for success rate for those who complete the educational and job training programs, so that we can see how effectively these dollars are being utilized.

And it is not a process that is going to turn overnight, it is a long-term process, and there are many problems which are confronting the system, with the drug problem substantially more acute today than it was when we started these hearings in 1983—we all understand that.

But all the committee, and the Congress, we are all determined to see this program work, and we are prepared to back you up on it.

We are sorry to see you go, Director Williams. We understand the concerns for your own professional career, and you have been at the job for 2½ years, and we thank you for your service, and we know others will be working on the program, and we will be rendezvousing again soon.

We had the last hearing in June 1988, so it is less than 1 year, and the chairman's gavel may fall at any moment, to call on you for a status report.

Thank you.

Mr. **Williams**. We look forward to that, Mr. Chairman and Senator Specter. We have come to expect the gavel at any point, and so we try to stay prepared.

I do want to say how much, though, the leadership and oversight of this committee has meant to this program, and the Mayor has indicated that, admittedly, there have been some problems with this program.

This was a major infusion of money and effort, and you have kept us with our noses to the grindstone on this program. I am prepared to say at this point that, while this is not where we want to wind up, we are a good way along the road toward being where we ought to be with this educational and vocational program.

I would say this without equivocation, I stack up what we are doing in the District of Columbia, based on this program, with anything that I have seen around the country. I think it is safe to say that this is a model program—a model program in need of some fine tuning, and a model program in need of an environment which is conducive to further reforms.

So, thank you.

Senator **Adams**. Thank you, Mr. Williams.

I want to thank all of you for being here. Senator Specter stated it very correctly, the gavel will continue to fall to request that you appear.

Tomorrow morning the subcommittee will meet at 10 o'clock, and we will hear from Linda Cropp, the president of the school board; Andrew Jenkins, the superintendent of public schools; and Judges Judith Rogers and Fred Ugast and Larry Polansky.

Tomorrow morning we will be discussing both the schools and the courts. We are preparing for the Appropriations Committee consideration of the District of Columbia bill this year, and we wanted to be certain that we have indicated—and I want to compliment Senator Specter for following through with the program where money was appropriated, and we wanted to see what happened.

I think in this program you have something to show us. There is not as much to show in the prison program. We will be looking tomorrow at both the school program and at the program of the courts.

ADDITIONAL COMMITTEE QUESTIONS

I have submitted some questions which I will submit for response for the record.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR BROCK ADAMS

A. Educational and vocational training programs

SENATOR ADAMS:
1. Since FY 1984, the Congress has provided more than $40 million to expand and enhance educational and vocational training programs in the District corrections system.

1a. In the Director's statement in last year's hearing (see page 192), he noted that the "Good Time Credits Act of 1986" permits reductions in time to be served for residents who complete academic and vocational programs.

(1) How many Criminal Justice Initiative (CJI) program participants have received such sentence reductions since the program was initiated?
(2) What percentage of total CJI program participants have received sentence reductions due to program participation?
(3) What is the average length of sentence reduction received by program participants?
(4) What is the largest sentence reduction received by any single program participant?
(5) How many CJI program participants have received a sentence reduction, were subsequently paroled, and then arrested and jailed again?

MR. WILLIAMS:
~~1a~~. The Department of Corrections does not maintain systemwide statistics on the award of Educational Good Time Credits. When an inmate successfully completes a course or program, the institutional administrator is notified of that completion by certified document from the appropriate education services official. That information is reviewed by the administrator in consultation with the case worker who notifies the record office. The credit then becomes part of the inmate's official jacket and is incorporated into the sentence computation process along with any other sentence adjustments. The Department has established a rate schedule for the award of Educational Good Time Credits which sets maximum allowable credits for all programs based on the normal completion time. For example, General Education Development (GED) Preparation normally takes 15 months to complete with credit awarded at a rate of 5 days per month. The maximum allowable credits for completion of the GED program is 75 days.

SENATOR ADAMS:
1(b) Since the beginning of Fiscal Year 1988:
(1) How many prisoners participated in CJI educational programs and how many in vocational training programs?

(2) How many prisoners completed CJI educational programs and how many completed vocational training programs?
(3) How many prisoners who completed a CJI educational or vocational program have been released?
(4) What percentage of the prisoners who completed a CJI program were placed in jobs? What percentage of all prisoners during the same period were placed in jobs?
(5) What percentage of the prisoners completing a CJI program were placed in jobs directly related to skills acquired in prison?

MR. WILLIAMS:
1b. The following data is provided on participation, completion, and job placements related to CJI educational and vocational programs:
(1) During FY 1988, a total of 14,075 inmates participated in academic programs and 833 participated in vocational programs. Since the beginning of FY 1989, a total of 6,289 inmates have participated in academic programs and 752 have participated in vocational programs.
(2) During FY 1988, 1,206 inmates completed an academic program and 405 completed a vocational program. Since the beginning of FY 1989, 848 inmates have completed an academic program and 93 have completed a vocational program.
(3) The Department only maintains detailed follow up data on inmates who are placed in jobs upon release and who are in regular contact with vocational development specialists.
(4) During FY 1988, a total of 294 inmates who completed an educational program or 18 percent were placed in jobs upon release. Because of the enormous turnover rate, the Department does not maintain follow up data on all other releases.
(5) Fourteen (14) inmates or five (5) percent of those placed in jobs received placements directly related to skills acquired in prison. Because of the heavy emphasis on basic academic training in our program, there is a higher participation and completion rate for academic programs. While it can be assumed that improved academic skills (reading, writing, and basic mathematics) are related to nearly all jobs, we cannot make a direct correlation between academic completions and job placements. The completion rate for vocational and apprenticeship programs, which can more easily be linked to job placements, is significantly lower than for academic programs because of the length of time it takes to complete these skill development programs (e.g. two to five years for apprenticeship programs).

SENATOR ADAMS:
1c. In last year's oversight hearing, the Director described the CJI program's difficulty hiring and retaining staff (p. 199).
(1) Is the program continuing to experience difficulties in these areas?

(2) How has the "formal arrangement" with the University of the District of Columbia (UDC) worked out?

MR. WILLIAMS:
1c. The Department continues to have difficulty recruiting staff to teach academic and vocational courses in our correctional facilities. As of March 30, 1989, 15 of 60 authorized academic teaching positions were vacant and 22 of 47 authorized vocational positions were vacant. Because of the particular difficulty we have had recruiting vocational instructors, the Department entered into an interagency agreement with UDC to recruit, screen, and hire vocational instructors to the university staff who would deliver courses at Department facilities. This arrangement has worked out very well because it ensures that the Department has access to sufficient resources to deliver vocational courses. We now do all recruitment for vocational instructors through the UDC agreement.

SENATOR ADAMS:
1d. In last year's oversight hearing, the Director stated that the CJI program "can be seen and is a model for other correctional systems (page 194)." For each of the following CJI program activities, please elaborate on what specific CJI practices should be considered for modeling by other correctional systems.
(1) CJI program planning activities
(2) CJI equipment acquisition and maintenance activities
(3) CJI curriculum development activities
(4) CJI staff recruitment and retention activities
(5) CJI program evaluation activities
(6) CJI overall program organization

MR. WILLIAMS:
1d. The Criminal Justice Initiative (CJI) represented a major infusion of money and policy direction during a three year period which helped the Department develop a comprehensive educational program for inmates. This broad support provided both operating and capital funds which served as seed money for a program which is now part of the Department's overall mission and philosophy and, more importantly, its appropriated budget. Because of the large amount of money that was made available and the broad scope of the initiative, there were significant implementation delays, particularly on the capital side which involved construction and/or renovation of seven buildings for academic and vocational programs. Three academic schools are complete and operational, and four additional buildings will be completed by September 1989.

To a large extent, it is the comprehensive direction and continuing commitment to a rehabilitative philosophy, more than the specific components of the Criminal Justice Initiative that serves as a model for other correctional systems. Of the components listed, the program organization is perhaps most noteworthy. The organization structure, which includes a small central staff for policy direction and program oversight with direct delivery of educational services under the authority of the institutional administrator, ensures that rehabilitative programming is an integral part of all daily operations in the facility. This organizational concept provides a valuable model for other systems.

SENATOR ADAMS:
1e. Responding to hearing questions, the Director provided a letter to the committee (see page 201 and 202) which stated the Department's Educational Services and Automated Data Processing staff were compiling data on the status of CJI participants who were placed in jobs in FY 1987 and FY 1988.

(1) Please provide the results of this effort.
(2) What difficulties, if any, did the staff encounter in compiling the data.

MR. WILLIAMS:
1e. The data show that in FY 1987 education services staff placed 313 inmates in jobs upon release of which 137 participated in CJI educational programs. As of March 30, 1989, 56 percent of those who were placed in jobs and participated in the CJI programs were still in the community compared with a success rate of 41 percent for all other releases during FY 1987. In FY 1988, education services staff placed 577 inmates in jobs upon release of which 294 participated in CJI educational programs. As of March 30, 1989, 78 percent of those who were placed in jobs and participated in CJI programs were still in the community compared with a success rate of 58 percent for all other releases during FY 1988. The staff did not encounter any significant difficulty in compiling the data on current status of those individuals who were placed in jobs upon release. However, we are continuing to refine our data base on job placements to ensure we have access to the most useful information for evaluating success factors and the long term impact of this initiative.

SENATOR ADAMS:
1f. In last year's hearing (see page 92), the Director noted that "in the future, job placement followup will be conducted at 30, 60, and 90 day intervals." For FY 1989 to date:

(1) Please describe what a job placement follow up consists of and who is responsible for implementation.
(2) How many job placement followups have been completed in FY 1989 to date?
(3) Please describe the followup results to date. What percentage of placed prisoners retained their jobs after 30 days, 60 days, and 90 days?

MR. WILLIAMS:
1f. Job placement followups are conducted by vocational development specialists assigned to community correctional centers who work closely with inmates nearing release. Vocational development specialists find appropriate jobs for inmates and then make contact with employers and releasees at the designated intervals to make sure the individual is still on the job, is doing the work the employer expects, and is motivated to continue to work. The Department maintains cumulative data on continuing successes in job placements by fiscal year, rather than segmented data on status at 30, 60, and 90 days. As of March 30, 1989, 178 inmates who were placed in jobs had been released into the community since the beginning of the FY 1989, of which 172 or 97 percent were still on the job.

SENATOR ADAMS:
1g. The Department is currently seeking accreditation for its training programs from the American Correctional Association (ACA). Will the District's programs be accredited in 1989? If not, why not?

MR. WILLIAMS:
1g. The Department initiated the accreditation process for its educational programs from the Middle States Association of Schools, Colleges, and Universities, which is the educational accrediting agency for this region. The accreditation process is comprehensive and time consuming, involving self evaluations and team audits of all courses in all facilities. The Department is currently in the self evaluation phase. We expect to complete the accreditation process sometime in FY 1990. Accreditation of educational programs through the appropriate regional agency is a required component of overall ACA accreditation for adult correctional institutions.

B. Prison Construction

SENATOR ADAMS:
1a. The Department of Corrections' Facilities Master Plan envisions that over $300 million in prison renovations and new prison construction will be needed between now and 1998 to accommodate expected population growth. Does the District believe that the rising debt service costs associated with this expansion plan will lead to decreases in other programs in the operating budget? If so, which programs will suffer?

MR. WILLIAMS:
1a. The Facilities Master Plan calls for phased implementation of renovations to existing facilities and new prison construction within available capital authority. The amount of authority included in the capital budget in any fiscal year is limited by how much debt service the operating budget can carry. The

District of Columbia Home Rule Act limits the District to spending less than 14 percent of its adjusted revenue on debt service. It is clear that rising costs associated with public safety operating and capital budgets have had and will continue to have a significant impact on the District government's overall budget. How that impact will be absorbed and what programs or services may be cut in future fiscal years will be examined annually as part of the budget preparation and review process which involves the executive branch, the District Council, and Congress.

SENATOR ADAMS:
1b. Are the prison population growth estimates employed in the Facilities Master Plan still accurate?

MR. WILLIAMS:
1b. Based on population growth during the past year, the estimates in the Facilities Master Plan are conservative. For example, the plan projected that population in FY 1989 would reach 11,350. As of May 26, 1989, system population was 11,471. In addition, get tough legislation relating to increased use of preventive detention and mandatory minimum sentencing, combined with proposed enhancement of the District's police force, could increase system population by as much as 20 percent over what we had originally projected for 1996.

It is important to note that any population projections are subject to regular review based on changing trends in the criminal justice system. The Department monitors actual population daily, publishes monthly statistics on average daily population in all facilities, and regularly reviews its long range projections. We plan to produce new system projections annually as part of the Master Plan implementation process.

SENATOR ADAMS:
2a. Currently, the Correctional Treatment Facility planned for Southeast Washington is being opposed in court by local residents. Historically, both state and local governments and locally elected Congressman have opposed expansion at Lorton. All the new facilities in the Master Plan are planned for Lorton. What plans does the District have to overcome this opposition?

MR. WILLIAMS:
2a. The District is working through the legal system to move ahead on the Correctional Treatment Facility. A restraining order barring demolition of the Gallinger Hospital which was issued by the U.S. District Court was lifted on May 18 only to have another restraining order issued by D.C. Superior Court on May 19. A hearing on that restraining order is scheduled for June 1, 1989.

District officials have been working with citizens and local officials in Fairfax County to gain support for renovations of existing facilities at Lorton and carefully planned expansion. We have received considerable support from citizens in the Lorton area who are primarily concerned about security at all facilities. Continued crowding in facilities there and the fact that nearly all facilities are dormitory style housing increases the risk of security breaches. We plan to continue to work with local and state officials to gain support for our plans. The continued attention to law enforcement to combat the drug crisis has emphasized the need for additional prison space. Since this drug crisis involves the entire Metropolitan Area, there is an increased awareness of the need for additional prison space where ever land is available.

SENATOR ADAMS:
2b. Why are none of the new facilities planned for the District?

MR. WILLIAMS:
2b. The architectural and engineering study which served as the basis for the Facilities Master Plan focused only on the Lorton Correctional Complex. The consulting team was asked to do a complete assessment of existing facilities there and recommend a renovation and expansion at the 3,000 acre complex. The land which makes up the Lorton Complex was acquired between 1908 and 1953 specifically for use by the District of Columbia for its correctional facilities. Currently, the facilities at Lorton, including all program space and perimeter fencing, cover about 200 of the 3,000 acres. Given the magnitude of our capacity needs, the limited available space in the District of Columbia, and the amount of available space at Lorton, it was determined that a major portion of any expansion plan would focus on the Lorton Complex. In addition to the proposed facilities at Lorton which would add 2,900 beds there, the District has planned or proposed facilities within the city limits that could add another 2,900 beds. The planned Correctional Treatment Facility will add 800 beds, a proposed Detention Facility in Judiciary Square could add at least 1,600 beds, and a proposed misdemeanant facility could add 500 beds.

We have always assumed that any plans for expansion at Lorton must go hand in hand with maximum possible expansion within the District to confirm that the city is willing to handle its own prison population to the extent possible.

SENATOR ADAMS:
2c. Does the District need the approval of state and/or local governments to build at Lorton?

MR. WILLIAMS:
2c. No. The District only needs Congressional approval for capital authority to build facilities anywhere.

SENATOR ADAMS:
1. What effect do the various court orders affecting population levels of various facilities have on continuity of the education programs?

MR. WILLIAMS:
1. Chronic crowding in correctional facilities, in general, has made it difficult to ensure continuity in educational programs. Court orders in some facilities exacerbate the situation because we sometimes must move inmates from one facility to another on short notice to stay within the court-ordered capacity. In addition, we have been forced to rely increasingly on out-of-state facilities to accommodate our growing population. There are two facilities at the Lorton Correctional Complex under court-ordered capacities -- the Central Facility and the Maximum Security Facility. The D.C. Detention Facility in Southeast Washington is also under a court-ordered cap. In order to reduce the impact of chronic crowding and court-ordered caps on educational programs, we have standardized academic programming throughout the system so that inmates can continue classes when they move from one facility to another. Those transitions are more difficult in vocational and apprenticeship programs which are not offered at all facilities. Such transitions are impossible for inmates who are transferred to out-of-state facilities.

SENATOR ADAMS:
2. How many individuals have gone through a complete vocational training cycle and been released since this program began? How many are still employed in those fields six months, a year, and two years later?

MR. WILLIAMS:
2. A total of 914 inmates have gone through a complete vocational training cycle since FY 1985 which was the first year when inmates were able to complete vocational programs. The Department did not begin maintaining a data base on successful job placements until FY 1988. Therefore, we do not have historical data on the status of those 914 individuals except through a review of individual system records. In FY 1988, a total of 14 inmates were placed in jobs directly related to their vocational training.

SENATOR ADAMS:
3. What are your goals for the program next year, and five years?

MR. WILLIAMS:
3. As a general goal, the Department intends to continue to focus heavily on adult basic education to ensure that all inmates have the opportunity to develop

fundamental reading and writing skills. The absence of these fundamentals is a serious impediment to success in the community. Other key goals for the remainder of Fiscal Year 1989 include: maximize available in-class time for inmates by offering evening classes where sufficient enrollment interest can be generated and ensuring close cooperation between security personnel and education personnel to minimize security-related disruptions such as required inmate counts; expand vocational programs to reflect the local market for job skills; strengthen community links to provide more effective job placement and aftercare services; continue to monitor success rates on releasees who participated in educational and vocational programs to identify factors that contribute to success after release; and complete the building program for school facilities at the Lorton Complex.

Longer range goals and objectives for academic and vocational programs include upgrading equipment and materials for vocational programs to reflect the type and level provided in similar community programs; exploring additional incentives to inmates for participating in educational and vocational programs; integrating Department programs more closely with D.C. Public Schools both for program delivery in the institutions and to provide smooth transitions for inmates who leave before finishing courses; continuing to strengthen the Department's teaching staff through staff development programs, required certification, upgraded salaries to attract skilled and committed instructors; and seeking accreditation for Department academic and vocational programs.

SENATOR ADAMS:
4a. In Fiscal Year 1990, you are requesting that day-to-day control of these programs be transferred to the various facility administrators. Will this improve communication between the central education services staff and those in each facility?

MR. WILLIAMS:
4a. The redirection of positions and funds from the central Educational Services office to the facility administrators is the last stage in the decentralization of education programs which was mandated by Congress. This redirection will provide facility administrators with more direct control over daily operations in their academic and vocational schools. It will ensure regular communication between educational staff in the facilities and the respective facility administrators. At the same time, it will require continued cooperation and communication between the central education services office which will provide overall policy direction, course development, and program oversight and the facility administrators who will make sure daily programs are delivered.

SENATOR ADAMS:
4b. Are you adding any positions in this reorganization? If so, what type?

MR. WILLIAMS:
4b. This redirection does not involve any additional positions over the 1989 level of 200.

SENATOR ADAMS:
5a. The Department of Corrections is requesting $22 million in capital borrowing authority to begin Phase I of the Department's Master Plan. This involves design of four new facilities. Will sites within the District of Columbia be considered for these facilities?

MR WILLIAMS:
5a. The four facilities included in Phase I of the Master Plan are targeted for sites at the Lorton Correctional Complex. Those facilities and their recommended locations at the 3,000 acre Lorton Complex emerged from a comprehensive study of physical plant resources at Lorton and projected population requirements. In addition to capital authority requested for Phase I of the Master Plan, the Department has requested authority to perform a feasibility study, acquire a site, and design a new detention facility in Judiciary Square in the District of Columbia and hopes to break ground on the 800-bed Correctional Treatment Facility in Southeast Washington within the next two months.

SENATOR ADAMS:
5b. How many additional beds do you expect these facilities to add to your capacity?

MR. WILLIAMS:
5b. The four facilities proposed for the Lorton Complex would add 2,900 beds to the Department's capacity. The two facilities in the District of Columbia for which capital authority/funding has been requested would add at least 2,400 beds.

SENATOR ADAMS:
6. Your budget is based on a population in District facilities of 8,800. This estimate was made several months ago. Have the recent calls for increased mandatory minimum sentences caused you to revise that estimate?

MR. WILLIAMS:
6. Calls for increased use of mandatory minimum sentencing alone have not caused us to revise the population estimate for 1990. We have projected that the increased use of mandatory minimum sentencing will have an incremental impact on total population beginning in 1990. The impact will increase over a five year period because inmates serving mandatory minimum sentences will remain in our custody longer. Other

planned and proposed get tough actions including increased use of preventive detention and the addition of 700 police officers would have an increasingly significant impact on system population during the next five years.

SUBCOMMITTEE RECESS

Senator **Adams**. Thank you all for attending this morning, and the subcommittee will stand in recess until 10 o'clock tomorrow morning.

[Whereupon, at 11:18 a.m., Wednesday, May 17, the subcommittee was recessed, to reconvene at 10 a.m., Thursday, May 18.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1990

THURSDAY, MAY 18, 1989

U.S. Senate,
Subcommittee of the Committee on Appropriations,
Washington, DC.

The subcommittee met at 10 a.m., in room SD-124, Dirksen Senate Office Building, Hon. Brock Adams (chairman) presiding.

Present: Senators Adams and Kerrey.

DISTRICT OF COLUMBIA

Court System

STATEMENT OF HON. JUDITH ROGERS, CHIEF JUDGE, COURT OF APPEALS

ACCOMPANIED BY:

HON. FRED UGAST, CHIEF JUDGE, SUPERIOR COURT

LARRY POLANSKY, EXECUTIVE DIRECTOR

OPENING REMARKS

Senator **Adams**. The subcommittee will come to order.

Good morning to all of you.

This morning the Subcommittee on the District of Columbia continues its hearings on the fiscal year 1990 budget request of the city agencies.

Today we will hear from representatives of the D.C. court system and from the Board of Education.

Our first witnesses will be the chief judges and the executive officer of the District's Appellate and Trial Courts.

Now we have focused much attention so far this year on the aspects of the criminal justice system that do not involve the courts.

We have talked about more police officers, the need for more prison space to humanely house those convicted of crimes, but we do not want to leave the impression that we are unmindful of the impact that these actions have upon the judiciary.

All the best law enforcement in the world will be frustrated if we cannot provide speedy and even-handed justice.

Chief Justice Rogers, it is a pleasure to welcome you to the committee this morning in your first appearance as the highest judicial officer in the District.

We have known each other a long time and I am very pleased that you are in this position. The District is very lucky to have you there, and I want you to know that this Senator believes that that is a great step forward in the District.

Judge Ugast, we have known each other a long time and you have already appeared before this committee as part of the oversight. Your testimony has been most helpful. As you may have noticed, it evoked some questions, which you can address, any of you, in any way you wish, or not address at all, depending upon how you want as to what were the manner of handling the more dangerous accused, those in particular that were using weapons in the creation or in the occurrence of committing a felony.

You have appeared before the committee before and it is a pleasure to have you back.

The judges are accompanied this morning by Mr. Larry Polansky, the Executive Officer of the court system. I understand that this will be Mr. Polansky's last appearance before the subcommittee to present the budget of the District courts, since you will be retiring at the end of this year.

I am sorry I have not had a chance to know you before or to have an opportunity to have you testify before us, but I am informed that your knowledge, innovation, and guidance over the years have helped this committee and has helped the courts of the District of Columbia to more effectively administer justice in this very unique city. And I am sure your presence will be missed. So we welcome you this morning.

Mr. **Polansky**. Thank you very much.

Senator **Adams**. Now we will make your prepared statements a portion of the record, and call on each of you for whatever remarks you may wish, but you may proceed in whatever fashion is most comfortable.

If you wish to read the statements, I will be happy to read them with you and listen.

If you would be more comfortable in having the statements put fully in the record, please ask me and I will do it and you may summarize in any fashion you wish.

Judge Rogers, it is nice to have you with us this morning, and would you please proceed.

Judge **Rogers**. Thank you, Mr. Chairman. I am delighted to be here and thank you for your gracious remarks.

PREPARED STATEMENT OF CHIEF JUDGE ROGERS

I have a statement which I would like made a part of the record and I would summarize it and then I will be happy to respond to any of your questions.

Senator **Adams**. Without objection, the entire statement will appear in the record as though fully given at this point.

[The statement follows:]

Statement of Judith Rogers

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, I appear in support of the fiscal year 1989 supplemental budgets and the fiscal year 1990 budgets of the District of Columbia Courts. My statement focuses primarily on the budget requests of the District of Columbia Court of Appeals. Chief Judge Ugast will report on the request for the Superior Court of the District of Columbia, and Larry Polansky, the Court Executive will report on the Court System request.

In fiscal year 1990, the Court of Appeals is requesting an appropriation of $4,996,000, representing an increase of $598,000 and five positions over the fiscal year 1989 budget of $4,398,000. The $598,000 request contains $122,000 for nonjudicial salary increases, $75,000 for increases in pay for senior judges, $79,000 for increased fringe benefit and leave expenses, $165,000 for the staff attorney and clerical positions required to speed case dispositions, $28,000 for increased costs of computerized legal research, which also serves to speed case decisions, $114,000 for needed equipment, maintenance, and supplies, and $15,000 for the increased cost of printing the court's opinions.

The added staff will assist the Court in the early screening of appeals and prepare recommendations for the judges with an eye toward early disposition and narrowing of the issues to be raised on appeal. The staff also will assist the Court in addressing more promptly the motions filed in cases on appeal; cases receiving thorough review through the motions process may sometimes be disposed of then, or soon thereafter, without going on the Court's argument calendar. Virtually all appellate courts throughout the country now make similar use of staff counsel. The additional staff also should relieve the Clerk and the Chief Deputy Clerk of some of their present duties so they can devote more time to case screening and pre-briefing conferencing of cases.

In the current fiscal year 1989, the Court of Appeals is requesting a supplemental appropriation of $75,000 to pay the senior judges for the work they perform for the court.

The Mayor and the Council of the District of Columbia support the staff increases for the Court of Appeals. Regrettably, in so doing, however, they did not provide the requested funding of $289,000 in the fiscal year 1990 budget for mandated increases in fringe benefits expenses, the increased costs of computerized legal research, and the steadily rising expenses of replacing and maintaining court equipment, as well as printing the court's decisions. Management improvements have been and continue to be undertaken to enable the Court of Appeals to cope with the constant pressures of volume and delay reduction. The budget request consists of needed funds to make it possible for the Court to do everything possible to avoid further delays on appeal. Of course, the request was prepared before proposals were forthcoming in response to the concerns about drugs and violence in the District of Columbia and, therefore, does not address the effect of added resources elsewhere throughout the criminal justice system on the Court of Appeals. The Mayor and Council also did not provide the requested $75,000 in the fiscal year 1989 supplemental budget to pay senior judges who assist the court in handling its workload.

The District of Columbia Government has approved the fiscal year 1990 funding request of the Superior Court. This is a good sign that the local government recognizes the pressures on the courts and the importance of assuring that the courts remain available to provide justice for those who appear before them. Too often, unfortunately, justice on appeal does not receive the same public attention that is focused on the trial courts. Clearly, it is counterproductive to provide resources for the trial court and not to provide the complementary resources for the appellate court. In order to assure finality of convictions and decisions in cases on appeal without additional delay, I urge the Committee to support the principle of providing necessary support for the appellate as well as trial functions. Local support of funds for the Superior Court was highly appropriate in view of the massive present and future burdens the war on drugs has placed on the courts; for this, and other reasons that I have mentioned, it is no less critical to assure that the budget request of the Court of Appeals is fully met.

Finally, because of the well-documented need for an intermediate court of appeals—first set forth in a Bar study in 1979, and re-examined in 1986 by the National Center for State Courts and again in 1987 by the D.C. Bar Association, and most recently in 1988-89 by another Bar study—the Court of Appeals is also requesting an additional $1,180,000 and 37 positions for transition support to implement legislation authorizing the establishment of an intermediate appellate court. This estimate of interim funding requirements was included after discussions with the Mayor's budget director in order to assure that the courts would not be caught short once the legislation authorizing the establishment of an intermediate court is enacted. Alternatively, the authorization of such funding could be a part of the substantive legislation creating the new court.

According to the American Bar Association Standards Relating to Court Organization, an appellate system should perform two basic functions: (1) To review trial court proceedings to determine whether they have been conducted according to the law and applicable procedure; and (2) To formulate and develop rules of law that are within the competence of the judicial branch to announce and interpret.[1]

When workload makes impossible the performance of both functions by the highest State court in a jurisdiction, and improvements in efficiency in operations cannot be achieved without diluting the appellate functions, the ABA concludes that the appropriate solution is the formation of an intermediate appellate court.[2]

Following a study of the D.C. Court of Appeals in 1986, the National Center for State Courts noted that our caseload is greater than that of any highest court without an intermediate court of appeals, and recommended prompt consideration of an intermediate court with a single clerk's office for both appellate courts. The local bar agrees, having conducted its owns studies in 1987 and 1988–89. The District of Columbia court system created by Congress in 1970 was modeled on the State court systems as they then existed. Since then, State appellate courts, facing the steady rise in caseload and in the time it takes for the average appellate case to be completed, have been restructured to include an intermediate appellate court. Only 13 States do not have an intermediate court and our Court has almost twice the number of cases as the largest of these State highest courts. Creating an intermediate appellate court will not only enable appeals to be disposed of in a more timely manner, but it will enable the highest court of the District to accord careful scrutiny to the most significant cases. The increased focus by the law enforcement community on drugs and related violence makes the need for an intermediate court all the more pressing in order to assure the finality of litigation and protect justice on appeal.

The budget request of the District of Columbia courts are eminently reasonable in light of the increased demands that the District of Columbia, its citizens, and other litigants place on the courts and the courts' ability to respond to these demands in a manner consistent with speedy and fair administration of justice. On behalf of the Court of Appeals, I urge the Subcommittee to approve the Court's fiscal year 1990 request and the fiscal year 1989 supplemental request. I join in the separate statements of the Chief Judge of the D.C. Superior Court and the Executive Officer setting forth the justifications for the requests of the other parts of the District of Columbia Court system.

I will be happy to respond to your questions.

SUMMARY STATEMENT OF CHIEF JUDGE ROGERS

Judge ROGERS. The courts are in somewhat of an enviable position it seems to me, Mr. Chairman, in that we have received substantial support from the D.C. government for the budget requests for the fiscal 1990 year.

In the court of appeals we have requested, in an effort to expedite the case filings, additional staff in the clerk's office. This is something that is done virtually throughout the country in the appellate courts, and the Mayor and the council of the District of Columbia have approved these additional positions.

Regrettably from the court of appeals' perspective, in approving these positions the council took the money that was otherwise to be spent on the regular functions of the court and applied it toward the new positions.

So in effect, we are in the situation of either continuing to perform as we do without such things as postage, printing of opinions, paying mandatory benefits, paying salaries, or hiring the additional staff to help in the court.

What we have in mind, as far as the additional staff is concerned, is to respond to the fact that our court is a very high volume court. As you can see from the statistics and by comparison with the States around the country which have an appellate court system without an intermediate court, our court has filings that are higher by far than any other court system in the United States, as documented by a study in 1986 by the National Center for State Courts. Mr. Polansky has provided you with the most recent annual report, which statistically reflects that continuing trend.

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[1] NCSC at 28 quoting ABA Standards Relating to Court Organization at pages 32–33.

[2] NCSC at 28–29 quoting ABA commentary on its Standards Relating to Court Organization.

What we would hope to do, to assist the judges, is to eliminate some of the purely administrative tasks which judges perform such as the initial screening of cases and place that function in the clerk's office; any judge could overrule a screening decision. Throughout the country, with guidelines provided by the judges, clerk's offices are able to perform this function.

In addition, the court is overwhelmed by motions. Close to 8,000 motions were filed last year. The clerk's office can assist by providing research for the judges.

In addition, we have instituted, through rules changes and a number of management changes, procedures to identify cases earlier that are appropriate for summary affirmance or summary reversal, that is prior to briefing, and cases where the appeal is not a serious appeal. We also have a docketing statement requiring litigants to indicate the issues they intend to raise on appeal, and cases in which a docketing fee is not paid are subject to the dismissal.

What we are faced with, as I think you are aware, Mr. Chairman, is a situation in which our court system was designed by Congress in 1970, at a time when the court systems around the country were similar to ours, that is a trial court with a single level of appellate review.

NEED FOR AN INTERMEDIATE COURT

In the last 20 years, the States have faced similar problems as the District faces now in terms of the number of filings on appeal, and they have established intermediate courts.

The D.C. Bar, as early as 1979, recommended the establishment of such a court. There was another study in 1986 by the National Center for State Courts, and since then there have been two additional studies by the organized D.C. Bar and by the Bar Association of the District of Columbia, the voluntary bar. All of these studies concluded that there should be an intermediate court for the District of Columbia.

In my discussions with the budget officer for the executive branch, I was advised, since supplemental funding would be unavailable, that we should include in our fiscal year 1990 request the funds that would be required for interim funding were Congress to pass legislation establishing an intermediate court.

Alternatively, of course, the authorization for appropriations could be included as a part of the substantive legislation, but I did want to call the committee's attention to this, which is part of our budget request.

FISCAL YEAR 1989 SUPPLEMENTAL BUDGET REQUEST

The only other item that I would call to your attention is the fiscal year 1989 supplemental budget request for the court of appeals, which is before the subcommittee, for $75,000, to pay the salaries of senior judges, who are the retired judges who agree to serve on the court. We would request, therefore, that the committee approve the request of the court of appeals both for fiscal year 1990 and fiscal year 1989.

I would be happy to respond to any questions.

Senator **Adams**. The supplemental appropriations bill for 1989 has not come over from the House. We do not know what will be in it, of course, or what their action will be, but we know on the Senate side that there will be a very limited amount and probably no new money. We are trying to reprogram some money that is presently in existence to take care of such things as overtime pay that has already been paid to police officers and some requests of the—some other requests of the courts.

I hear you loud and clear with regard to fiscal year 1990, which we expect to be working on and are working on at the present time.

So we will see what we can do about that. I have some old friends like John Kern and others who have served on that court and I would like to see them paid for their services, but I am not quite certain at this moment that that is going to be possible.

The supplemental, if it carries on over the week, it will all depend upon how wide open or how much it is open to other requests, but we understand that for fiscal year 1990.

SUPPORT FOR AN INTERMEDIATE COURT

With regard to the intermediate courts, yes, a number of us who have practiced in other States have found—I know they have put in an intermediate court system in the State of Washington and it has worked quite well.

I think what we will be looking at, and I want to hear from the testimony of Judge Ugast and the others, what type of volume we could expect could be moved off into that as opposed of going directly to the court of appeals.

We have had some experience with there being a double appeals system, in other words, going to the intermediate court and then going to the court of appeals, which did not particularly help the problem.

I am concerned in that here we have a very heavy criminal calendar and that we might very well create another court system, and if it could handle your civil cases that might be a very good idea, but on the other hand, it might just double up the amount that we have.

But I am certainly in agreement with you that this has been a recommendation throughout the country. It has been carried out. We are examining those, and we will take that request under consideration and we do not lightly put it aside.

I am just trying to think at this moment how we would fund it and if it will really take a part of the caseload, particularly at what you indicated to me, you are getting a large number of motions. We use to call them 2454's, but I do not know what you call them, which are really habeas corpus writs from prisoners. And if you get those, you may get a double hit up through the intermediate level.

Judge **Rogers**. May I respond to your comments, Mr. Chairman?

Senator **Adams**. Please do.

Judge ROGERS. The proposal that the National Center for State Courts suggested for the District of Columbia would address precisely the concern that you have. In other words, it would create an intermediate court with a single clerk's office precisely to avoid the delay associated with double appeals.

In the District of Columbia, 65 percent of our appeals are criminal cases. An overwhelming number of those cases involve issues where the law is settled, but new facts are being applied to settled law.

Throughout the country, this is the kind of case that goes to the intermediate court, to perform the error review function, namely, has the trial court erred in applying settled law to these facts? That is the kind of case that is moved quickly through the intermediate court system.

The cases that——

BASIS FOR CASES TO BE HEARD BY COURT OF APPEALS

Senator ADAMS. And you have cut it off then at that level?

Judge ROGERS. That is correct. The highest court would sit only to hear cases where it grants a petition for review.

Senator ADAMS. From the intermediate court level?

Judge ROGERS. Or directly from the trial court.

Senator ADAMS. Or directly from the trial court.

Judge ROGERS. That is right. Pursuant to guidelines established by the highest court, the clerk would certify the cases filed initially in the intermediate court——

Senator ADAMS. Is there a certiorari writ type procedure?

Judge ROGERS. That would be the proposal, Mr. Chairman. There would be no mandatory review to the highest court, only review by a certiorari petition.

And when you look at what has happened around the country—I was looking last night, for example, at a study of the Minnesota court system where in precisely the form I described to you, the intermediate court of appeals has disposed of approximately 2,000 cases, many of which are criminal cases, expeditiously. The Supreme Court of Minnesota, in turn, only sits on cases in which it has granted a petition for certiorari or cases where it is determined pursuant to the supreme court's guideline that the case raises a serious and substantial legal question that the highest court should consider.

In Minnesota, only 6 percent of the cases which go through the intermediate court are ever taken up to the highest court. That percentage varies throughout the country. In some jurisdictions the percentage is larger. But the point is that the intermediate court is the heavy volume court that gets the cases in and out quickly and that type of system permits the serious jurisprudential law-declaring matters to be addressed by the highest court.

What we have now is a system where the jurisprudential and error review functions are combined in a single court. When you look at our statistics, it is obvious that in order to keep the backlog from growing any more than it is, the court has historically devoted more time on the error review cases than it has on the jurisprudential cases. We are simply not able to deal with those issues, and handle the error review cases, without substantial delays, and that is a serious problem.

We also have the problem of consistency between cases decided by panels of three judges. The intermediate court is not the solution to every problem that the appellate court systems face, but it does seem to me that, when you look throughout the country, and you see almost uniform success in terms of intermediate courts handling the error review cases quickly and expeditiously. Unlike most jurisdictions in the District of Columbia, about 20 percent of the cases in the criminal area actually go to trial, and of those cases, 75 percent are appealed.

With this volume of criminal appeals, it seems to me that an intermediate court is the type of mechanism that can address the very problems that you are concerned about, and that the citizens are concerned about, the prompt resolution of appeals so they do not go on forever.

It also——

NUMBER OF BACKLOG CASES

Senator ADAMS. You say you have a backlog of 8,000 cases approximately, is that it?

Judge ROGERS. No; we have a backlog of 2,264 cases as of April 30, 1989, and the statistics over the last 10 years will show that only in 2 years have we been able to dispose of more cases than were filed.

The backlog has been growing gradually, but, as I mentioned, we are now as of April 30, up to 2,264 cases.

You also can appreciate, Mr. Chairman, the problem that poses for citizens, and it is not only D.C. residents, but people who are doing business in the District of Columbia as well, who are trying to get their appeals decided.

We have a number of mechanisms where we try to shortcut the full appellate process, but there are necessarily a large number of cases which simply need judicial attention.

AVERAGE TIME OF CASE ON APPEAL

The average delay on appeal now is up to 679 days. It takes almost 2 years for a case on appeal to be decided. The ABA standards call for 280 days, which is between 9 and 10 months.

METHODS OF REDUCING THE TIME ON APPEAL OF CASES

Interestingly, when you look at the statistics, Mr. Chairman, you also will note that the judges have become more efficient: they are deciding cases in less time. That is, once the case gets to the judge, when it is scheduled to be heard, from that period to the point of the decision being rendered the time on appeal is decreasing.

Also, thanks to the work of Chief Judge Ugast and my predecessor, Chief Judge Pryor, the courts now have a 3-year program in effect to reduce the time that is required for the preparation of the transcript. In addition, because additional staff was added to the appeals coordinator's office, the period of time required for preparation of the record on appeal has gone down for the first time in 5 years.

But we are just dealing with a very high volume of cases and there are simply too many cases that need judicial attention. For example, in 1988, when the court heard several en banc cases, that is where all nine judges sit, it meant that we have a backlog of 5 months of cases waiting to be heard.

Once we get the record on appeal more quickly, the backlog simply shifts from the clerk's office to the judge's chambers, and it is a matter of having additional judges available to handle the workload in the District of Columbia.

The number of appellate filings in the District of Columbia is higher by far than other jurisdictions around the country which do not have this intermediate court to dispose of a lot of cases quickly.

Senator ADAMS. Thank you very much. We will be looking at the action that the substantive committees take on this and be expecting it.

Judge ROGERS. I welcome your support for those committees.

Senator ADAMS. Thank you.

Judge Ugast, it is a pleasure to have you before the committee again, and welcome. We will accept your remarks in whatever fashion you wish to present them.

PREPARED STATEMENT OF JUDGE UGAST

Judge UGAST. Thank you, Mr. Chairman. I am pleased to be here this morning to testify on behalf of the budget request for the superior court, and I thank you for your kind remarks. I would ask that our prepared statement be made a part of the record.

Senator ADAMS. Without objection, your full statement will appear in the record as though given at this point. You may proceed with summarizing.

[The statement follows:]

STATEMENT OF JUDGE FRED B. UGAST

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, it is a privilege to appear before you today to testify on behalf of the budget request of the Superior Court for Fiscal Year 1990.

The Superior Court is requesting a total operating budget of $62,329,000 which reflects an increase of $7,683,000 and 55 positions. Although a significant amount, this represents a bare bones request, cut back substantially from our full need, in recognition of the serious fiscal constraints the District faces for FY 1990. The City is supporting this increase, and I must note that this will be the first time since the reorganization of the Courts in 1971 that the Legislative and Executive Branches of the District of Columbia Government have agreed fully on a Superior Court budget request and I sincerely hope this legislative body will also support our request.

Although the $7,683,000 may appear to be a large increase, $3,463,000 of that amount (and 15 positions) represents the full year cost for implementation of new legislation, the Guardianship and Protective Proceedings Act. The remaining $4,220,000 of the increase represents mandatory increases and the bare necessities needed to deal with the filings and pending cases now before the Superior Court. This request prepared in mid to late 1988 does not in any way reflect additional needs anticipated as a result of recent local and federal attention to the twin problems of drugs and drug violence in this city.

More specifically, $2,854,000 of the $4,220,000 is for mandatory pay increases, within grades, annualization of positions approved in fiscal year 1989 with nine months funding and for various pay adjustments; $858,000 represents the nine month cost for 40 new positions that are desperately needed to bolster a severely understaffed work force in all divisions. The remaining increase, amounting to $887,000, is for "other than personal services" which includes: building rental, computer equipment, printing and office supplies, service maintenance, postage and law books necessitated by the increased cost of those items. This increase is offset by a $61,000 base reduction for non-recurring equipment purchases in fiscal year 1989.

There are also two intra-court transfers which result in adjustment to the Superior Court budget base as follows:

1. an intra-court "transfer-out," to the Court System Budget, of nine Court Reporter positions results in a $374,000 reduction to the Superior Court budget base; and

2. an intra-court "transfer-in," from the Court System Budget, results in a $56,000 increase to the Superior Court budget for the Training Officer position.

I must note, however, that an unfortunate oversight by the Council of the District of Columbia has resulted in the $318,000 net reduction in the Superior Court budget not being balanced by a $318,000 increase in the Court System budget. This has led to the "loss" of eight positions and $318,000 of existing Court System funding.

The details of our requests are as follows:

Mandatory Personal Services Increases for Existing Staff.

Increase for FY 1990 pay increase: $1,218,000. In order to provide for the non-judicial pay increase anticipated to be effective in fiscal year 1990, $1,218,000 is requested.

Increase for within grades: $764,000. This within grade funding request is necessary to cover within grade advancements which are required by law to be given to all eligible employees.

Increase for annualization of new employees authorized in FY 1989: $342,000. In order to provide the balance of funding necessary to payroll, for a full year, the 36 positions authorized with nine month funding in fiscal year 1989, $342,000 is requested.

Increase for employee fringe benefit adjustments: $350,000. In recent years, with the enactment of new laws which have modified such programs as Medicare, retirement plans for new employees and health insurance coverages, the Court's fringe benefit expenses have greatly increased. By fiscal year 1990, we project that the Court's fringe benefits object class will require an additional $350,000 to pay for the costs associated with the fringe benefit entitlements which are prescribed for currently authorized positions.

Increase for Senior Judges' pay differential: $180,000. The compensation paid to retired judges performing judicial duties is based on the annual salary of an active associate judge. With four additional senior judges performing judicial services, and increased utilization of the existing senior judge time, $180,000 is required.

Personal Services Increases and Other Related Costs - Staff

Criminal Division

a. Six CS-4 Court Aides (Special Proceedings, Felony, Misdemeanor, and D.C. and Traffic Branches): $84,000. Court Aides are responsible for maintaining order and decorum during court proceedings, assisting the courtroom clerk with entries, exhibits, paperwork, securing an area for juror deliberations, transferring court files, and performing other clerical duties. Given increasing work volume, positions need to be added to the Special Proceedings, Felony, Misdemeanor, and D.C. and Traffic Branches. The Criminal Division, in general, continues to be understaffed in these critical support positions. These positions will also provide needed support to the six courtrooms involved in a prototype program using courtroom computer terminals.

b. One CS-8 Expungement Clerk (Misdemeanor Branch): $21,000. This position will be responsible for the time consuming process of receiving, processing and reviewing all orders of expungement for compliance in accordance with D.C. Code Sec. 33-541(e)(2) or Superior Court Criminal Rule 118. The clerk would also handle all agency notification, document collection, data deletion and records storage functions related to expungement.

c. Two CS-6 Contact Clerks (Special Proceedings Branch): $34,000. The public information area of the Special Proceedings Branch continues to be understaffed consistently requiring dependence on temporary and detailed employees. This area, which provides direct service to the public regarding case inquiries, needs two permanent positions to replace this inadequate dependency and insure qualified and well-trained staff assisting the public.

Family Division

a. One CS-13 Assistant Chief Deputy Clerk - Child Support: $17,000. With recent legislative and public interest focused on child support issues, the court has experienced a significant increase in workload in this area. This has resulted in the need to reorganize the Family Division and provide added organizational emphasis to child support administration. To that end, the court needs to create this branch chief position which would provide necessary managerial leadership to a new child support branch in the Family Division.

b. One CS-6 Intrafamily Clerk: $17,000. The Intrafamily/Neglect Branch of the court has been heavily dependent on a full-time temporary position to assist with administrative processing. In 1988, this branch handled all paperwork, document flow, and file security for 609 Neglect cases; 9,357 hearings, which includes 6,023 reviews. Given the sensitive and critical nature of child neglect cases, this Branch cannot remain reliant on temporary staffing to handle a permanent workload. This position is requested to insure reliable staffing for this Branch.

c. One CS-4 Clerk Typist (CCAN Branch): $15,000. The Counsel for Child Abuse and Neglect (CCAN) Branch of the Court has limited staffing to perform a heavy and highly sensitive administrative process in child abuse cases. In 1988 over 8,000 CCAN attorney payment vouchers were processed, 1,609 CCAN appointments scheduled, and 1,200 parental family eligibility interviews set and coordinated. This Branch has been dependent on a full-time temporary position for a number of years to assist in this sensitive caseload. To insure more consistent and reliable clerical support, a permanent position is requested to perform standard clerical functions in this Branch.

d. Three CS-4 Court Aides: $16,000. Because of the high volume of cases that are being set before the Hearing Commissioners and the proposed implementation of the individual calendaring system for Domestic Relations and Juvenile/Neglect, the Division will need additional daily resources to organize people and caseloads before and during court. The efficient management of the caseload from the Branches through the Assignment Office to the court bench will greatly depend on our ability to swiftly move a large number of litigants and attorneys alike. The availability of adequate staffing levels will provide the Division additional resources to give and receive information on case assignments, to coordinate case information, to advise on programs, policies or procedures in a timely manner, as well as the regular established duties assigned to the court aide position. These positions will provide full-time services to Commissioners handling child support cases and, as such, are requested for funding at only 33% of cost.

Civil Division

a. One CS-9 Assistant Civil Case Manager (Civil Actions Branch): $23,000. With the implementation of the automated civil case docketing and tracking system, a highly skilled position capable of reviewing, screening, and monitoring document flow has become critical. With the myriad of papers and documents introduced into the system by parties, court agencies, and judges, updates and adjustments to data on the dockets is critical to the accuracy, reliability, and usefulness of the system. In addition, insuring documents flow to proper work stations is critical to efficient case management. This position will be responsible for insuring these highly sensitive functions are performed.

b. Two CS-8 Information Specialists/File Supervisors (Civil Actions and Small Claims Branches): $42,000. In an effort to improve file room security and inventory control as well as create a public information area for these two Branches, these two positions are requested to supervise this new approach. With the huge number of daily case and information inquiries, as well as direct assistance provided to pro se litigants and other individuals, the Court will create a public information office and file room appropriately staffed but demanding this level of supervisor support. With over 115,000 files in the Civil Actions Branch and close to 300,000 in the Small Claims Branch, it is apparent that direct supervision will be essential to the success of this concept.

c. One CS-8 Motions Clerk (Civil Motions Branch): $21,000. Due to procedural changes implemented in 1984 aimed at and successfully resulting in a reduction of pending motions backlog, there has been a significant increase (42%) in the number of orders entered each month by the judge in the Civil Motions Branch office. This increase has dramatically added to the paperwork load of this office. Jacket entries and the clerical operations associated with mailing out these orders are overwhelming the Civil Motions Branch. To continue to address this clerical problem the Court requires authorization for an additional Motions Clerk.

d. Two CS-5 Information Clerks (Civil Actions and Small Claims Branches): $32,000. These two positions will provide staff assistance to the new public information and file room offices in the Civil Actions and Small Claims Branches of the Civil Division. Due to the significant demands on the file rooms, extra staffing is necessary to insure proper file control and address direct public requests for information. Providing this improved and high standard of service requires the authorization of these two positions.

e. One CS-4 File Clerk (Civil Actions Branch): $14,000. This position will also assist in staffing the new Civil Actions public information and file room office. The position will assist in monitoring intake and outflow of 115,000 Civil Actions case files insuring proper control and inventory accountability.

Probate Division

a. One CS-13 Special Assistant/Office Manager: $42,000. Presently there are three attorneys, including the Register of Wills, who supervise a staff of 62 employees, prepare memoranda for the Court, counsel lawyers and the public, and advise the auditing staff on legal issues. The legal aspects of the duties and functions of these administrators are taking more time than ever before. Accordingly, the Court requests a Special Assistant position which would provide help to the Register of Wills in the overall administration of the Division. This position would develop and implement administrative policies and procedures, prepare budgets, manage procurement and personnel operations, prepare statistical analyses and reports, assist with training, monitor supervisory practices, and serve as liaison between the Register of Wills and other Court personnel.

b. One CS-9 Law Clerk: $23,000. The legal section of the Probate Division has been staffed with only three attorneys for several years. With the growth of probate caseload and recent changes in legislation, law clerk assistance to these staff attorneys is critical to insure proper performance of their quasi-judicial functions. This position will complete court slips on cases and provide much needed legal research assistance, thereby insuring the continuing smooth flow of the caseload.

Special Operations Division

One CS-13 Jury Commissioner: $42,000. There have been significant changes in the administrative systems in the Superior Court's jury operations making this a "state-of-the-art" operation. These have included a new automated attendance system, automated panel selection, an automated juror control and payment system, a one step qualification and summons process, and the one trial/one day term of petit juror service. These changes have involved expanded personnel needs, technological complexity, and greater public interaction than ever before and, therefore, require more sophisticated and professional daily staff management than presently exists. As a result, the Court must create a CS-13 Jury Commissioner position requiring automated systems experience, public relations capabilities, personnel management expertise and familiarity with advanced systems of jury operations.

Social Services Division

a. One CS-13 Supervisory Probation Officer: $32,000.
b. Eight CS-12 Probation Officers: $216,000.
c. One CS-6 Probation Assistant: $14,000.
d. Fringe Benefits: $39,000.
e. Equipment: $12,000.

For over a decade the Social Services Division has effectively responded to the increasing demands of the District of Columbia for comprehensive probation services. These demands originated from a variety of sources both within and outside of the District's criminal/juvenile justice system. New laws and statutes, revised court procedures and rules, special police initiatives, prison system overcrowding, expansion of judicial staff, and changes in other public agency programs are some of the external events which have required the Division to extend its resources to accommodate increasing service demands. The cumulative effect has been a substantial increase in the workload of the Division. For example, between 1976 and 1988, the Division's probation supervision caseload increased 45.9 percent, from 7,885 in 1976 to 11,507 in 1988. Concurrently, during this period the number of judicial reports - presentence reports, juvenile social studies, progress reports, etc., increased 27.1 percent, from 8,132 reports completed in 1976 to 10,335 reports completed in 1988.

In recent years, the incremental addition of needed probation staff has enabled the Division to gradually reduce the longstanding deficit between increasing workload demands and static personnel levels. There is now a pressing need for the extension of probation services to the Anacostia area of southeast Washington, D.C., because of its dense population and the continuing scourge of illegal narcotics in this area.

Anacostia is the only residential section of the District of Columbia which is not served by an Adult Supervision Branch probation field unit. Such units already exist, in tandem with Family Branch teams, in the Northwest and Northeast sections of the City.

In order to staff this field unit, 1 CS-13 Supervisory Probation Officer, 8 CS-12 Probation Officers and 1 CS-6 Probation Assistant are requested.

f. Anacostia Field Unit space rental: $55,000.
g. Equipment for Anacostia Field Unit: $32,000.

Rental of a facility to meet the design needs of a standard adult probation team comprising approximately 2,500 square feet is estimated to cost $55,000 per year. In addition, initial outfitting and start-up costs for equipment, furniture, security system, etc., will amount to $32,000. Refer to the narrative justification above.

h. Building rental: $61,000. The Social Services Division, in addition to its primary base operations in Judiciary Square, has three existing field units from which it provides its various services. The Court has been advised by the District's Department of Administrative Services that the full cost of the leased space for these three probation office field units in the Northwest, Northeast and Southeast sections of the City will amount to $212,000 in fiscal year 1990 - $61,000 above what is currently provided in the budget base.

Administrative Division

a. CS-12 Telecommunications Technician: $33,000. With the continued growth of activity in the Court, it has become increasingly more difficult for the Information and Communications Supervisor to handle the many and varied requests for telephone services in addition to supervising the operation of the Court's Mailroom and Information Operators.

This position requires the incumbent to have a substantial experience level in the communications field, especially a background in AT&T's System 75 and 85, plus PBX equipment expertise. The establishment of this position will allow the Court to be able to respond to problems more quickly and efficiently, have greater control over telephone systems, improve service, and in the long term, save the Court money by having certain elements of work performed in-house rather than contracted out.

Some of the responsibilities of this position will be: to handle moves and changes on the AT&T 75 and 85 Systems; perform testing and adjustment procedures; act as technical liaison with vendors; and install new wiring, jacks and other equipment as needed.

b. CS-6 Secretary: $16,000. This secretarial position is for the Deputy Administrative Officer/Facilities and Capital Projects Manager. This position will be responsible for all secretarial duties, such as, receiving all incoming calls, visitors, mail, making appointments, typing memoranda and letters in draft and final form, etc.

c. CS-5 Information Operator: $15,000. The number of requests for Court related information continue to increase dramatically. This position is needed to continue to keep pace with ever-increasing inquiries and requests for information sought by the public, judges, government officials, witnesses, and the like. The incumbent of this position will provide court related information, by telephone or in person, on Court calendars, judges' daily courtroom assignments, locations of judges' chambers and court offices and correct locations for filing cases.

Financial Operations

CS-7 - Financial Control Clerk - $19,000. Due to stepped-up enforcement activity by this Court, as well as other judicial systems in the country, against those persons who make support payments sporadically or not at all, the receipt and disbursement of support payments have greatly increased - from 94,749 in 1983 to an estimated 151,000 in 1988. With such a large increase in work load, it has become difficult to comply with the Court's mandated twenty-four hour turn-around for support payment issuance without a corresponding reduction in other services and functions of the Family Finance Office.

It is expected that this increase in activity will continue to accelerate during the next several years because of the recent changes in the Federal and D.C. laws permitting the attachment and assignment of salaries and wages for maintenance and child support payments.

Attachments and assignments have escalated so much that most large firms and government agencies have computerized their transmittals and forward them to the Court with one large check and a computer listing of multiple payees. However, the listings are in no particular order and are not compatible with our system, resulting in significant additional work effort.

In order to be able to keep pace with the increasing volume of transactions, a CS-7 Financial Control Clerk position is requested.

Personnel Division

CS-7 - Personnel Assistant - $19,000. The change in the District of Columbia Government's health benefits program requires the Court to maintain two separate health and life insurance programs. These programs have created an additional form processing mechanism. Additional work effort is required to address the dual retirement programs. Further, the D.C. Government has reduced its timeframes for submitting payroll/personnel documents which has imposed a less flexible work schedule in terms of having to meet more stringent deadlines to effectuate changes. Because of the current level of staffing in the Personnel Division, this has caused a delay in the processing of other personnel documents for employees, (i.e., employment and loan verifications, etc). One CS-7 Personnel Assistant is requested at this time to enhance the Division capability to accommodate Court employees and applicants for vacant positions.

New Program - Guardianship and Protective Proceedings Act of 1988 - 15 Positions and $3,463,000

a. One CS-14 Deputy Register of Wills: $51,000.
b. One CS-13 Assistant Deputy Register of Wills: $43,000.
c. One CS-12 Deputy Clerk: $36,000.
d. One CS-9 Fiscal Office Manager: $25,000.
e. Two CS-7 Secretaries: $41,000.
f. Three CS-6 Support Clerks: $56,000.
g. One CS-6 Bond Clerk: $19,000.
h. One CS-6 Case Initiator: $19,000.
i. One CS-6 Docket Clerk: $19,000.
j. One CS-5 Cashier: $17,000.
k. One CS-4 Copy Clerk: $15,000.
l. One CS-4 File Clerk: $15,000.
m. Fringe Benefits: $53,000.
n. Equipment for New Positions: $22,000.
o. Equipment (Word Processors, Photocopier, Computer Terminals, Etc.): $50,000.
p. Jury Fees: $16,000.
q. Professional Fees: $2,966,000.

The City recently enacted the Guardianship and Protective Proceedings Act of 1988. The purpose of this new program is to serve the special needs of adults who are the subjects of guardianship and/or protective proceedings within the District of Columbia. This special program works independent of, but in direct proximity and coordination with, other Court programs in the Probate Division, the Office of the Register of Wills, Financial Operations Division, and various adult guardianship programs of the D.C. Department of Human Services.

It is expected that this unit will be functioning as of October 1, 1989, and, therefore, full year payroll funding is required. In addition to the 15 positions and their cost of $431,000, the following is sought: $50,000 for specialized equipment needed to establish the unit (e.g., word processors, photocopier, computer terminals, etc.); $16,000 for increased jury fees; and $2,966,000 for professional and other service fees (e.g., attorneys, conservators, guardians, guardians ad litem, visitors, and process servers).

Court-Wide (Other Than Personal Service) Increases

Increase of computer system support for the Data Processing Division: $150,000.

a. Software and contractual/consultant support: $75,000. The number of projects planned by the Superior Court's Data Processing Division far exceeds the capacity and capabilities of its small staff. In order to complete these projects in a timely manner, software products must be purchased to improve the programming staff's productivity.

Further, the task of recruiting and retaining data processing professionals is becoming more and more difficult. In order to meet project milestones and avoid overburdening existing staff, an alternative solution is contracting for outside technical expertise. Funding of this purpose would greatly enhance the ability of the current Data Processing staff.

Software and contractual support funding in the amount of $75,000 will help provide the Data Processing Division with the resources it needs to complete these very critical projects.

b. Computer hardware: $75,000. The Superior Court continues to introduce new computer systems and other related technologies into its operational workforce, thus achieving improved levels of effectiveness and productivity. In order to have a programmatic approach to the acquisition of new hardware as well as replacing aging pieces of equipment, it is necessary that $75,000 be appropriated to fund a systematic acquisition program.

Increase for office supplies: $55,000. Actual supply costs amounted to $489,075 in fiscal year 1988. With increases of five percent anticipated in fiscal years 1989 and 1990 we project that the cost of supplies and materials will amount to $539,000 in fiscal year 1990. With a budget base of only $484,000, a $55,000 increase is necessary for this basic cost of doing business.

Increase for printing and reproduction: $220,000. $251,000 was provided for this expense item in the fiscal year 1989 budget. With printing costs amounting to $427,500 in fiscal year 1988 and an expected annual acceleration rate of five percent for 1989 and 1990, printing costs will run an estimated $471,000 in fiscal year 1990. Therefore, a $220,000 increase is urgently needed.

Increase for service maintenance contracts and repairs: $113,000. The actual cost of office machinery maintenance and repairs amounted to approximately $568,500 in fiscal year 1988. Anticipating a three percent per year increase for fiscal years 1989 and 1990, $113,000 will be needed, since the Court's budget base is only $490,000.

Increase for postage: $44,000. In fiscal year 1988, postage costs, primarily as a result of the post office rate increase, amounted to $231,900. We anticipate our fiscal year 1990 mailing costs will reach $243,000. Since only $199,000 is provided for postage in the Court's budget base, the balance of $44,000 is requested.

Increase for Street Law Program: $5,000. The Street Law Program is a juvenile delinquency prevention program that diverts youth who have received Consent Decrees from traditional probation services into weekly law-related classes. While in class, the youths learn the personal and community-wide consequences of delinquent behavior as well as basic coping skills. The classes actively involve students in learning by using teaching techniques designed to improve attitudes and behavior. Youths are required to report to 12 consecutive Saturday classes. This is more than is required in traditional supervision. Youths are investing time and effort in deterring further criminal involvement. At the same time, they are having a positive educational experience. It is estimated that $55,000 in contractual services funding will be required in FY 1990 for administration of this program. $45,000 was initially approved in the FY 1985 budget with the only increase ($5,000) provided in FY 1987. We are requesting a minimal increase of $5,000 at this time.

Increase for training: $15,000. In order to contract for desperately needed training sessions to be conducted at the Court and to enroll individuals in courses, $89,000 for training will be needed - $15,000 more than is currently in the budget base. The increased level of funding is only enough to provide the minimum training necessary to support the opportunity for upward mobility for our employees.

Increase for law books and legal research: $127,000. In order to maintain the Court's legal and general reference libraries, and to provide for automated legal research capabilities, $127,000 is required. Maintaining existing law book collections requires an accelerated level of expenditure each succeeding year due to the vast expansion of written works and the rising cost of books and required update services.

Increase for Child Care Center: $10,000. An in-house child care program feasibility study and needs analysis revealed that Superior Court employees favor the establishment of an on-site child care center. The goal of this child care program would be to offer court employees convenient, affordable, and quality child care services in a facility within the Court complex.

The Court plans to engage the services of a contractor, at an estimated cost of $10,000, to determine the work, procedures and facilities needed to establish and run a child care center.

Budget Adjustments

Base reduction for office equipment: -$61,000. This base reduction eliminates funding for one-time (non-recurring) purchases of office equipment provided in the FY 1989 appropriation.

Transfer-out to the D.C. Court System (FN): 9 Positions and -$374,000. In FY 1984, as a segment of a special initiative to increase the number of authorized judicial positions (from 44 to 51), seven Court Reporter positions were added and reflected as Superior Court staff. In a separate action, two Court Reporter positions were established, as Superior Court staff, to help support the expanded use of Hearing Commissioners. The Court Reporting Division is an organizational unit of the D.C. Court System (FN). The nine "Superior Court" Court Reporters are under the supervision of the Director of the Court Reporting Division of the D.C. Court System, yet funding and costs have been reflected in the Superior Court (FC). To correct this inconsistency, it is necessary and appropriate to transfer the nine positions, along with their full year funding, from the Superior Court (FC) to the D.C. Court System (FN).

Transfer-in from the D.C. Court System (FN): 1 Position and +$56,000. During FY 1988, it was determined to be appropriate for the Training Officer position to be transferred from the Executive Office of the D.C. Court System

(FN) to the Personnel Division of the Superior Court (FC). Therefore, it is now necessary to transfer the position of Training Officer and its full year funding ($56,000) from the D.C. Court System (FN) to the Superior Court (FC).

Mr. Chairman, I would like to bring to your attention the fact that we must also soon address the steadily increasing rise in drug sales, drug violence and drug related crime. The resources I requested in this budget only address the Court's need as visualized almost a year ago when we began preparation of this budget and before drug violence saw the District's homicide rate increase to more than one killing a day.

As you are aware from our recent testimony, we have reviewed the needs occasioned by the all out effort to address the drug and drug violence problems besetting the District and have supplied a description of those needs to the Congress, the Office of National Drug Policy and to the Mayor. In summary, we have asked for eleven (11) judges, 79 supporting staff and 52 additional probation officers, at a total annual cost of $8,750,000.

In closing, Mr. Chairman, I want to assure you we have strived to balance the Court's needs with the severe fiscal constraints facing the District and would hope that you and the Committee will look favorably upon the Court's request for this year.

OPENING REMARKS OF JUDGE UGAST

Judge Ugast. I will just highlight a few of the main portions of my testimony.

We are requesting an operating budget of $62 million, which reflects an increase of some $7,600,000 and 55 additional positions.

Now this is a significant amount, but it really represents a reduction substantially from what our needs seemed to be when the budget was prepared because of the serious fiscal restraints the city was facing in fiscal 1990.

The city is supporting our request and this is one of the few times, certainly the first time in my 3 years as chief judge, that the legislative and executive branches have been in full agreement in the budget request and I would hope that the subcommittee will also support the request.

More specifically, although the increase, as I say, appears to be a large increase, almost one-half of it, $3,400,000 and 15 of the positions represents the full year cost of implementing new legislation, the Guardianship and Protective Proceedings Act, which is now scheduled to be implemented on October 1, 1989. It was enacted 2 years ago.

The remaining $4 million of the increase represents either mandatory increases or increases needed in connection with the filings and pending cases before the court.

I should point out that since we prepared this budget request sometime back in mid to late 1988, it does not reflect some of the additional needs that I have indicated to this committee and to Dr. Bennett as a result of the recent local and Federal attention to the problems of the drug epidemic and drug-related violence.

Specifically, $2,800,000 is for mandatory pay increases—within grades, annualization of positions for the fiscal year—and $800,000 represents the 9-month cost for 40 new positions that we need in the various divisions of the court.

Also, there were two intracourt transfers that you will note from our statement resulted in an adjustment to the superior court base. There was one intercourt transfer out to the court system budget and then another intercourt transfer in from the court system budget to the superior court. By some oversight apparently, the council action resulted in a $318,000 and eight position net reduction in the court system budget. I would hope that that can be remedied.

Most importantly, as I indicated when I testified before the Oversight Subcommittee, we must address the increasing rise in drug distribution cases, drug-related violence, the entire crime situation facing us in the entire criminal justice system of this city.

The resources that I have requested in this budget only address the court's needs as they were visualized almost 1 year ago when we began preparation of this budget and before the violence escalated as it did in the last 6 months of 1988.

I have reviewed the needs occasioned by the planned efforts to address the drug and drug violence problems and some of the indicated approaches that have been discussed, and I have supplied a description of where the court is now and what some of the needs would be if the number of police were to be substantially increased. I have made those needs known to Dr. Bennett, to the Mayor, and to the Congress.

I guess I am in the position at this point, having previously testified, to give an overview of the current impact of the drug epidemic on the court and the needs of the court as I envision them, assuming that certain actions may be authorized by the Congress in adding police and implementing additional strategies of joint Federal/local action.

IMPACT OF MORE POLICE OFFICERS ON THE COURT SYSTEM

Senator ADAMS. Let us assume that there are 700 additional officers hired. Now that would take a period of time, but we also have a program where we are proposing that there be a shifting of certain personnel from the other police forces to assist the Metropolitan Police force.

I believe you testified before that you would need 15 additional judges to handle the increased caseload. Is that correct?

Judge UGAST. That was the total figure, including the impact on the Civil Division, Family Division, and Criminal Division in the event there were 700 police officers authorized, understanding that it takes 22 weeks just to train and recruit officers.

The projection is based on our analysis of felony and misdemeanor filings. It also makes certain assumptions with respect to the focus of the law enforcement agencies on the type of offense and the type of strategy that might be utilized, whether it be street intervention, prosecution of the larger distributor or the more complex interstate transfer.

Some of the impact would be Federal, but the main impact of the 700 police officers, or the additional police officers that might be transferred in on a temporary basis, as I believe you are suggesting, would appear to be more immediate and substantial at the local level, assuming that that strategy is directed toward street distribution.

SHORT-TERM SOLUTION OF USING EXISTING JUDGES

Senator ADAMS. Well, it would take 6 to 9 months, as I understand it, if these judges were authorized to bring them on. What resources do you have in the meantime in terms of retired judges or judges from other jurisdictions that might be able to address the short-term problem?

Judge UGAST. Well, from the short-term standpoint, it is a matter of having to transfer some judges from other divisions of the court to the Criminal Division. As you know, we have 51 judges and we are totally unified. There is only one trial court and our judges rotate.

If I have the assurance that there would be in the near future additional judges authorized, I would have to reduce the number of judges assigned to the Civil Division and possibly the Family Division and place them in the Criminal Division. I would also have to transfer staff from those divisions to the Criminal Division unless staff could be authorized and employed more quickly. Use of senior judges depends on their availability and our ability to compensate them. I have some 15 senior judges, but for example, at this time most of them have come very close to the period in which they are not able to receive additional compensation for sitting. Many of them and most of them give time to the court voluntarily for which they receive no compensation and that is something that might be addressed; waiving the maximum limit on the compensation which may be paid to the senior judges.

On a short-term basis, I do not think it would be practical to bring in judges from other jurisdictions at this time because of both the logistical problems and the lack of familiarity with local procedures and local law.

Although the shifting of our own resources is the better approach, the community suffers to the extent it does impact on civil and family litigation.

IMPACT OF DRUGS ON ALL COURT PROCEEDINGS

On the civil side there are increased forfeiture cases that we anticipate as a result of the drug strategies and there is also increased drug-related evictions anticipated—all of which impacts our court.

Our landlord and tenant court handles about 80,000 complaints a year. Our small claims court handles about 44,000 complaints a year. Those are just two courts in the Civil Division which have a very high volume, but there would also be other impacts on the Civil Division.

On the juvenile side the petitions have risen from 4,690 cases in 1987 to 5,456 cases last year. We are seeing a substantial increase in the number of juvenile cases that directly involve drugs.

So again, in trying to keep all the balls in the air I have to be very careful about being able to staff not just the Criminal Division, but those other divisions that are also impacted by the drug epidemic, the increase of neglect cases because of addiction among parents, and some of the other problems that occur.

And then finally, the diversity jurisdiction. As you are aware, I think effective as of today the new Federal statute dealing with diversity changes so that now it requires a controversy of $50,000 to get into the Federal court. All of that will have an impact on us and particularly on the Civil Division.

COURT'S VIEW OF NOT GRANTING PRETRIAL RELEASE TO PERSON CHARGED WITH A FELONY COMMITTED WITH A FIREARM

Senator **Adams**. We just want to be certain as we are going through this, Judge Ugast, that we are dealing with all portions of the system.

Those of us that have lived with these things for a long time understand that a bottleneck in one particular point reduces the possibility of getting very dangerous people off the streets and that is our first line. And I have repeatedly stated to the committee and to others that though we may discuss this a lot, we are not ignoring the problems of both rehabilitation, treatment, education, and what to do with the long-term using problem. We have a very severe homicide problem here and maiming problem that we just simply have to deal with.

And that brings me to—the statement was made yesterday. It has been picked up and commented upon. The Mayor is before the City Council, as I understand, with an emergency statement that on felonies committed with a weapon that approximately twice as many are released on personal recognizance as opposed to being held in the superior courts as in the Federal courts.

I am well aware, as a former U.S. attorney, of divisions and severity of cases as to who takes what as various charges are filed and so on.

But can you give me any opinion as to whether or not the judges in the superior court are releasing those who are accused of a felony committed with a weapon on their personal recognizance as was alleged as opposed to holding those people until trial?

And my followup question to that is going to be, is there some reluctance because of prison space? But I would like to take them one at a time because I think it is a—and this was a statement that was made yesterday in the committee and it is the reason that I ask it of you, and it is not an attempt to interfere with the judicial process or the judicial independence of what individual judges do, but we need to know what we are dealing with.

Judge **Ugast**. I think I have to respond to your question in this way because I cannot respond directly in terms of numbers. Let me start by saying that in the Federal court I would expect with their pretrial detention statute, if that is what is being referred to——

Senator **Adams**. That is—what is being referred to is the particular reference was two comments that one of the Senators indicated had been made in conversations with the U.S. attorney that if you had a felony charged against an individual using a weapon, that they were twice as likely to be released out of the superior court system as they were from the Federal court system. In other words, that people were revolving back out on the streets that had used weapons in the course of a felony and this was particularly tied to the drug trade, which is what we are trying to prevent and work on at the present time.

Judge UGAST. As I say, the answer needs some explanation. In terms of the first, the pretrial detention statute, which was I guess modeled after ours which the Congress enacted some 18 or 19 years ago, does have some substantial differences, particularly where it involves drug trafficking cases under the Controlled Substance Act as well as cases of felonies committed with a firearm. Those cases would qualify under the Federal pretrial detention statute, but may not under our statute. Under our statute there are basically three types of situations that qualify for the pretrial detention statute.

Senator ADAMS. And those three are, as I remember, danger to community, danger to self, and danger to flee. Is that correct?

THREE CATEGORIES IN DETERMINING PRETRIAL RELEASE

Judge UGAST. Those are aspects that are considered, but the three categories include: it is either a dangerous crime where there is a pattern of criminal behavior that the prosecutor certifies to; or a crime of violence where there has been a conviction of a crime of violence in the last 10 years; or the individual is on probation or parole for another crime of violence or for obstruction of justice. One of those three situations has to be established by clear and convincing evidence with respect to the situation before you reach the issue of flight or safety of the community or danger to the community, which is present in our statute.

So the number of cases that first of all qualify to meet our pretrial detention statute are only a small proportion——

Senator ADAMS. I just want to get this very clear, Judge Ugast, because I was familiar with the original pretrial detention which was 18 to 19 years ago. We are dealing with a particular problem with people long period of times without getting into the court. And so we drew a very careful statute to say that we were trying to keep people from being denied bail. What I want to know now is that you are telling me there are three conditions that—for example, if you have before you someone who does not have a prior record, we are dealing with a lot of young people and a lot of people who have come in from other jurisdictions throughout the world. I do not want to mention particular island nations and so on, but they are new here. So they would not necessarily have a record.

If they assault someone, may not kill them, with a semiautomatic weapon and great injury occurs and that person appears before court, are you stating to me that you have no power to even reach the dangers to the community stage because they do not meet one of the three qualifications

Judge UGAST. Well, we have to distinguish between pretrial detention under this statute with a very tight timeframe and the setting of bond or many other conditions, including placing a person in some of kind a halfway house, drug testing, and that type of thing, including a bond.

Senator ADAMS. But I mean that——

Judge **Ugast**. But do you mean no bond at all?

Senator **Adams**. Right. No bond, that person is held——

Judge **Ugast**. Then that is pretrial detention, it has to come—they have to qualify in one of those situations as well as to be involved in a crime of violence or a dangerous crime.

Senator **Adams**. So that that person would be released on——

Judge **Ugast**. Not necessarily released, but other conditions would be set, including a bond, third party custody, or any other conditions, but under our statute as Congress enacted it, no financial condition may be imposed to assure the safety of an individual or the community. That is a provision of our statute in section 1321.

Senator **Adams**. Without meeting one of those three conditions?

Judge **Ugast**. Right. I think our judges and our commissioners are trying very responsibly to carry out the statute. That does not mean that many people are not being held or conditions of release set to try to assure both the safety and nonflight. It does not mean that everyone else is out on personal recognizance. It means that various types of conditions are being set. And that is what determines I think the number of requests made by the U.S. attorney—these have to be initiated by the U.S. attorney in terms of establishing the necessary proof to meet the very tough standards that Congress set when it was enacted and that you were part of.

PRETRIAL DETENTION IN FEDERAL COURTS VERSUS DISTRICT COURTS

I think the wrong impression is sometimes given. First of all, the numbers in the Federal court may have been 150 last year. You would expect that most of the criminal cases being brought into the Federal court are either the complex cross State line type of distribution drug cases, the terrorists cases, and other serious types of cases.

The criminal caseload in the Federal court in recent years has been numerically very small in comparison to the 9,700 indictments and the 14,000 misdemeanors we experience. Therefore, you would expect that there would be a very substantial number of the cases under their new statute that would be subject to strict pretrial detention and by that I mean without bond.

Our statute requires a trial date within 60 days and a 30-day extension for a total of 90 days, and it means the resources of the U.S. attorney as well as the court are under tight timeframes.

I have set up two accelerated felony calendars just to deal with the pretrial detention cases so that they will have the fast turnaround and will have the immediate attention that they deserve because they generally do involve what might be referred to as the repeat offender or the career criminal.

Now the drug cases—there were certain changes, as you may know, made by emergency legislation of the City Council in March adding the possession with intent to distribute as a dangerous crime. Distribution had been one of the dangerous crimes included under section 1331 of our statute.

PERSONS INVOLVED WITH DRUGS COMMITTING A FELONY WITH A GUN

Senator ADAMS. But we do not want, Judge Ugast, to panic and pass a lot of very unconstitutional laws that do violence to the civil liberties of the District or anyplace else, but the Mayor got the message yesterday and there will be legislation proposed to the City Council today and I am just trying to get from you so that we do this correctly—or they do this correctly, that there be an ability by the court to hold without bond individuals who are accused of committing a felony utilizing a dangerous weapon where this factor occurs on the streets without there being automatic barriers such as a person does not have a prior record. I do not care if they have a prior record or not.

If somebody has an AK-47 and has sprayed a street with it and is in the drug business, I think we have got to have some right to hold that individual prior to trial without bond because the examination—we will incidentally have further field hearings on this, but the examination that the chairman has made so far with treatment centers and with testimony of doctors involved with this new substance, crack, the detoxification period is 2 to 3 days and after that you have an enormous craving and a tremendous tendency to violence and very violent activity both to obtain it and once you have obtained it, its effect upon you.

Now we do not know all of these medical effects, but we do know that we are dealing with a very new thing and the idea that we have a group of people, some very, very young, without records with very highly volatile weapons on streets in Washington, DC, that we cannot hold prior to hearing and if necessary to trial is part of the problem that we have to solve or the police picking them up and their eventual conviction does that solve the problem.

Too many people are dead in between. That is all I am trying to work out with you and I would be hopeful that you are in communication with the Mayor's office and the City Council and certainly to the extent that this committee or its staff can be helpful.

We want these laws to comply and be constitutional, but I cannot understand a constitutional prohibition against picking up somebody with a very dangerous weapon who has committed a felony and is involved in the drug trade with what we know about it now not being able to be held without bond.

Now how that is drawn is a function of the legislative body of the City Council. The word dangerous was used yesterday, but you have indicated to me that three tests have to be met before you even get to the basic test of danger to the community, danger to self or——

Judge UGAST. Excuse me, Senator. I said there are three different circumstances, one or the other. In other words, the person has to have been charged with a dangerous crime now as defined in the statute and then the prosecutor certifies that on the basis of prior pattern of conduct. That is one of the circumstances where pretrial detention might qualify. Another one is that a crime of violence has been committed and the person has a prior criminal record, a conviction——

Senator ADAMS. But if they do not have the criminal record——

Judge UGAST. One or the other of those situations—they have to fall into one of those categories to qualify to seek pretrial detention under our statute as it presently exists.

And as I understand, under the Federal statute, you are suggesting it would deal with the offense itself. Based on the nature of the crime itself, there would be at least a rebuttable presumption that the safety of the community is affected and could be held unless that presumption is rebutted.

Senator ADAMS. Precisely. The presumption would have to be rebutted and that is all that I am seeking at this point, that if you have somebody out there that has sprayed a street with an AK-47 and people are dead and dying that there is a rebuttable presumption that that person should be held until there is some explanation in the judicial system of whether or not this was in some way justified or in some way was not a criminal act.

Now there are a lot of other things in the drug-related area that I do not want to get into now, but right now I am trying to focus on getting the streets cleaned up and that seems to be a fundamental part and I will ask my staff to draft a letter for me to you and to the chief judge of the Federal court. It may be that we need to have the Federal court procedure available for drug-related cases for the superior court.

I am not saying that that is the solution, but as an old trial lawyer and somebody who has bounced around the system a long time, that seems to me to be an obvious place to start for at least this period of time until we get the killing off the streets.

IMPACT OF CHANGE OF PRETRIAL RELEASE STATUTE ON COURTS

Judge UGAST. And from our standpoint, I view it as my responsibility to advise you of the impact in terms of the court's ability to respond appropriately with the additional responsibility that will come with additional hearings, which would follow automatically.

Senator ADAMS. Right.

Judge UGAST. And the need for quick turnaround of trial within 60 to 90 days, assuming that is also still included.

Senator ADAMS. And that is what I wanted to complete my questioning and maybe your executive officer will do this, is I need that kind of a request before I go before the full Appropriations Committee if that is going to require additional judicial personnel or court space for that particular problem in addition to what you have as your other matters so that I can package that and the people that I will be defending this program against will know that we have tried to cover each part of the dealing with the killing and the ability to protect our citizens during this period of time.

So I will see a letter is drafted and that is its purpose——

Judge UGAST. And then we can indicate our needs which are directed specifically to that particular approach.

Senator ADAMS. It is directed to that type of thing. I do not want to go back, Judge Ugast, to what I used to call the bubble gum felonies, which was when I first entered the District of Columbia Subcommittee you could take an 18-year-old young man who had a 15-year-old girlfriend and have him go out in the evening, joyride the car of the neighbor, break into a bubble gum machine to get money in order to go to the movies, and by the time he had come home he had committed three felonies in the District of Columbia; breaking and entering a bubble gum machine, which was second degree burglary; stealing an automobile without permission, which was a first degree felony; and going out and having an improper relationship with an underage girl and that person was a habitual criminal.

I felt that was not the way that we should be approaching the District of Columbia. So I do not want to get into a large number of things that I think all of you have corrected very well in the District and I am very proud of what has been done.

It is just we have a particular problem right now that I want to deal with, without violating the civil rights of anyone or saying we have to federalize this or that.

I think the District can handle this if we all just focus on it and that is why I am asking you these specifics and if you have any other things that you want to submit to the committee as we proceed toward markup because we need to know what we should be doing and how much it is going to cost. We want to try to give you the tools that you need.

Now I would like to hear very much from you, Mr. Polansky. We are pleased to hear from you.

OPENING REMARKS OF LARRY POLANSKY, EXECUTIVE DIRECTOR OF COURTS

Mr. POLANSKY. Thank you very much, Senator, and thank you for the very kind opening remarks. As a court administrator and a married man, I am not used to very many. [Laughter.]

Senator ADAMS. I can understand both.

Mr. POLANSKY. What I have to say is far less dramatic subject matter than what you have been through in the past one-half hour or so. But we do have some small, but very serious needs in the court system budget.

First of all, I would also ask that our full statement be made part of the record, sir.

Senator ADAMS. Without objection, it is so ordered. The full statement will appear in the record as though given.

Mr. POLANSKY. The actual request for court system operations is only $307,000 of the $2,524,000 as requested for the court system.

The $307,000 is for required payroll increases, within grades, the annual raise, and so on. There is another $318,000, which is what Judge Ugast referred to in his statement. We asked for an intercourt transfer of positions that were in the superior court budget to the court system budget and appropriate dollar changes.

The D.C. council has admitted they made a slight error. They took the reduction out of the superior court budget, but never put the plus side back into the court system budget in the amount of $318,000.

NO INCREASE FOR CRIMINAL JUSTICE ACT FUNDS

There is one other very large amount in the court system budget, 48 percent of the increase is $1,200,000 requested for Criminal Justice Act funds. These are the dollars that pay for the provision of a defense attorney for an indigent defendant in the criminal system.

It seems to me that this is much like that television ad that says, "Pay it now, or pay it later." The $1,200,000 for Criminal Justice Act funds, if not provided in the budget, will probably mean that sometime in July or August 1990, we will be faced with not having sufficient funds to pay counsel for representation of indigent defendants.

At that point, as has happened every year since I have been here, we have had emergency supplemental funding to pay for Criminal Justice Act representation. So it is one of those pay it now, or pay it later things.

TRANSFER OF SECURITY IN THE COURTHOUSE TO THE COURTS

The last serious need, and one that I would like to spend a little bit more time talking with you about is, the provision of funding for security in the courthouse.

The troubled times that you have been discussing for the past few minutes has resulted in it being a far more dangerous place to be when one is in our courthouse.

At the same time that this is happening, the amount of security that is being provided has been lessening. I do not think that is where we want to go.

We have struggled for a number of years with what we believe to be less than adequate security in the courthouse complex. We have asked many times for the responsibility for security to be transferred from the D.C. government to the court, without great success. Last year this committee authorized us to supplement the District's security with five additional security personnel of our own. We have used those funds to take over the security of the garage in our courthouse, but at the same time, and probably unrelated, the District has managed to move two or three of its guards out of our main courthouse.

We think it is time for the court to take over the responsibility for its security. The Joint Committee on Judicial Administration, our governing body, has suggested and concluded that they would like to have the same security in our courthouse as is provided diagonally across the street in the U.S. district courthouse; that is, a security system that is supervised by the U.S. Marshals Service and staffed with contracted personnel that are trained in the marshal's training system at Glynco. We would like to convert to that kind of a system.

Senator ADAMS. What is the cost of that?

Mr. POLANSKY. Well, we have talked with the marshal and we have had preliminary negotiations. They indicate the cost of that, in their opinion, is approximately $500,000 a year.

It is our understanding that the District has in its budget for the Department of Administrative Services, approximately $700,000 to provide security for the court. We have in our budget the five positions that this committee was good enough to provide for us last year.

We would hope that somehow there could be a way found to provide the dollars for the needed security in our court system. I frankly believe that the Department of Administrative Services is also totally underfunded to provide the security they need to provide districtwide and that is the reason why they cannot provide us with what we would consider adequate security.

PREPARED STATEMENT OF LARRY POLANSKY

With that, I thank you for an opportunity to speak, sir, and would answer any questions you might have.

[The statement follows:]

STATEMENT OF LARRY P. POLANSKY

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, I thank you for the opportunity to speak today to the budget of the District of Columbia Court System.

Although technically the Court System is requesting a Fiscal Year 1990 operating budget of $22,604,000, an increase of $2,524,000 and 44 positions over Fiscal Year 1989, I must point out that only $307,000 (or 12.2%) of the total increases requested in the operating budget, is specifically for the operation of the D.C. Court System offices. This consists, principally, of $182,000 for mandatory pay increases such as: the fiscal year 1990 pay increase; within-grades; annualization of new employees authorized in fiscal year 1989; and employee benefits. The remaind~~er consists of five a~~dditional security positions costing $80,000, and last, but not least, $45,000 for various increases in the cost of printing, maintenance of equipment, training, liability insurance etc. The City however is recommending only $98,000 of that $307,000 which represents only partial funding for the FY 1990 pay increase.

The major single portion of the total request, $1,200,000 (47.5%), is for the Criminal Justice Act program which pays for the legal and support services necessary for the defense of indigent adults and juveniles in criminal matters before the Superior Court and Court of Appeals.

Most importantly, we must report that the intra-court transfer of a training officer and nine court reporter positions was approved in the Superior Court's budget, thereby eliminating some $318,000 from that budget. Unfortunately, the other half of that transfer was not included in the Council's action on the Court System budget, resulting in the loss of eight employee positions and $318,000. This is the sad result of trying to straighten out the allocation of staff in these two organization's budgets. The detail of that disastrous effort is:

A. One Training Officer position transferred from the D.C. Court System to the Superior Court's Personnel Division (-$56,000)

B. Nine Court Reporter positions transferred from the Superior Court to the D.C. Court System (+$374,000)

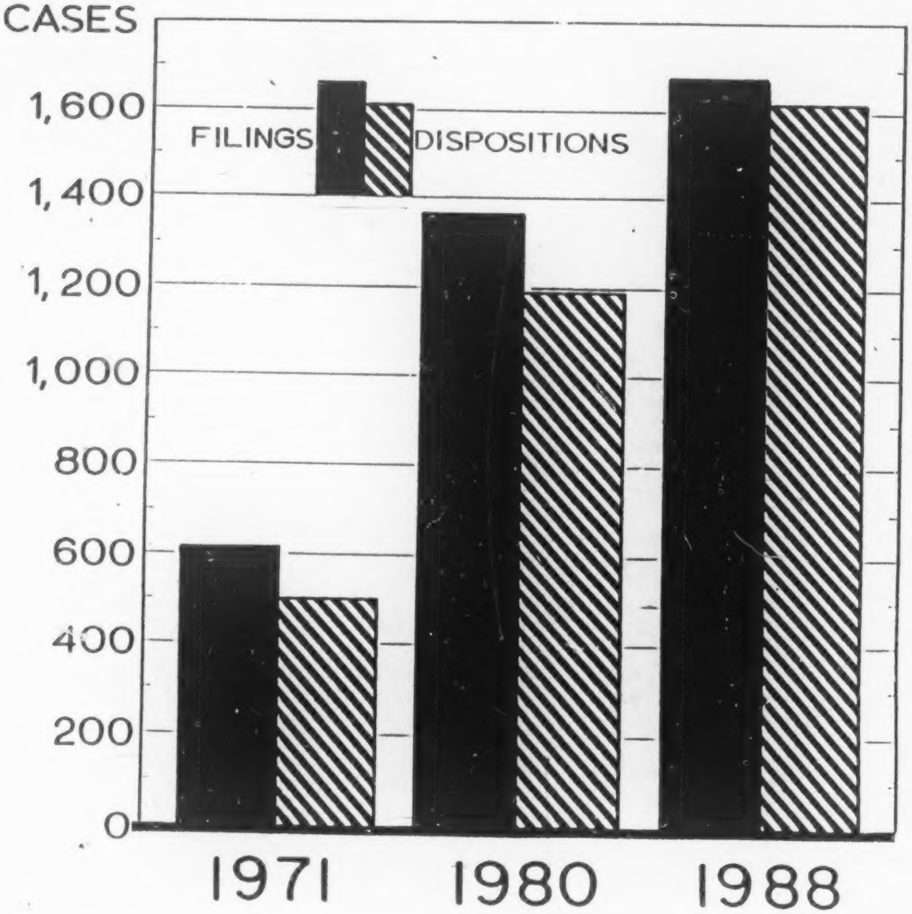
The remaining amount, $700,000 and 31 positions, represents the request for transfer of existing security positions from the D.C. Department of Administrative Services.

I must note, for the record, that this request for the security services transfer results from many years of frustration with the inadequate security provided at our Court facilities. In these times of increasingly serious criminal activity we find an already understaffed security force provided by the District of Columbia being further reduced by more than 10%. A survey by the U.S. Marshal service indicated, before this latest reduction, that "The D.C. Protective Services Division has not been able to provide the level of security needed to enable the District of Columbia Courts and its occupants to work in a safe and secure environment." Something must be done and must be done now.

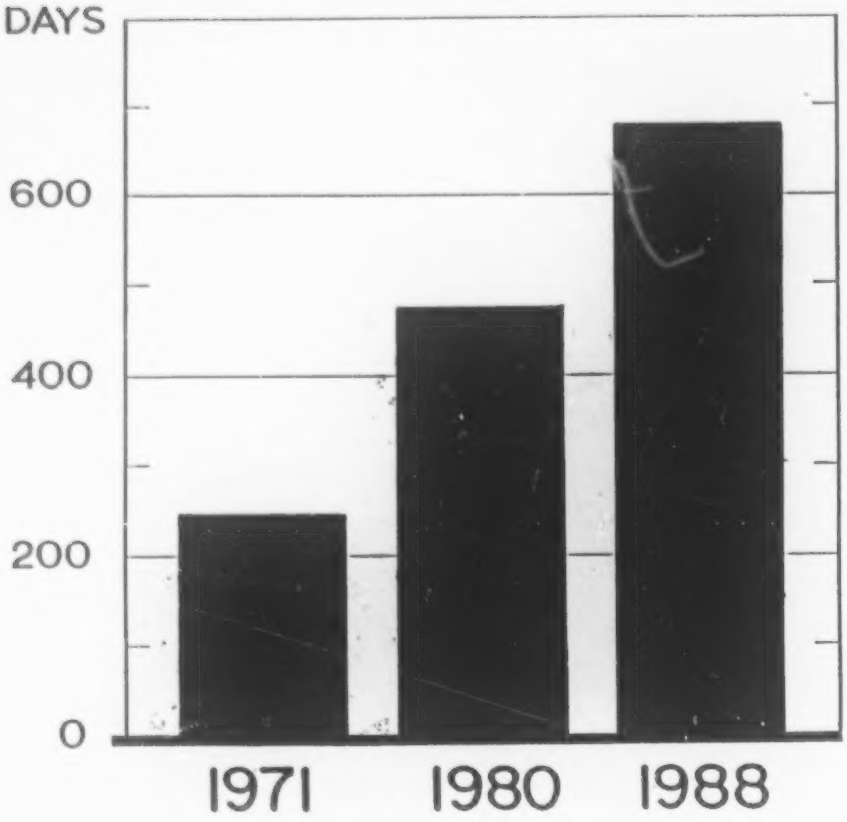
The final items I wish to call to your attention are our four capital budget requests for fiscal year 1990, amounting to $7,600,000. Two of these projects will make possible the conversion of existing space in the District of Columbia Courthouses to provide an Arbitration Center and a Guardianship and Protective Proceedings Center at a cost of $2,000,000. The third is to construct an efficient and cost effective tunnel network in the Judiciary Square area costing approximately $5,000,000. The fourth and final request is for $600,000 for protecting and preserving the public areas within the main Court building.

On behalf of the Joint Committee on Judicial Administration, I want to thank you for your consideration of our request and ask that you look favorably upon this year's submission.

D.C. COURT OF APPEALS FILINGS & DISPOSITIONS

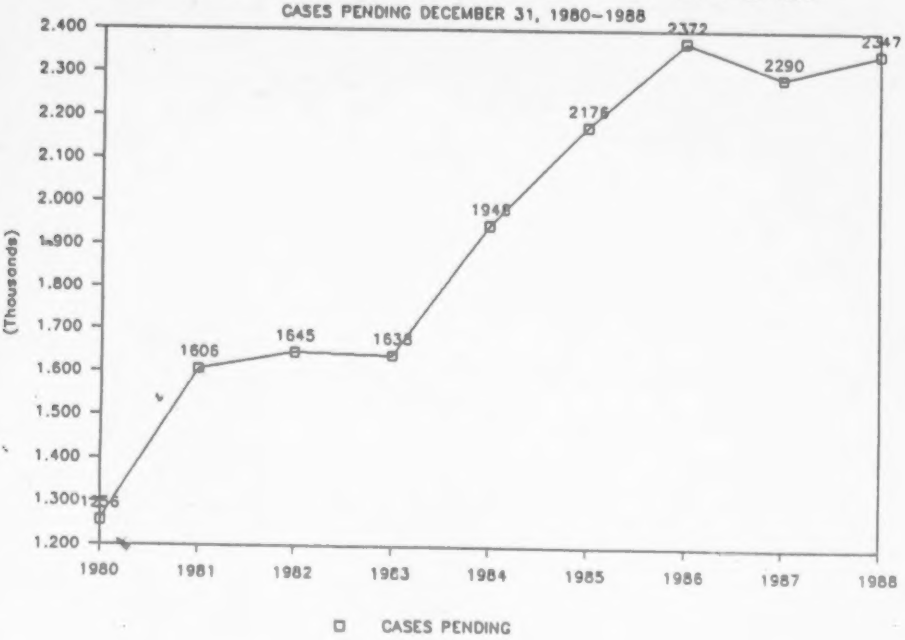


D.C. COURT OF APPEALS
TIME ON APPEAL



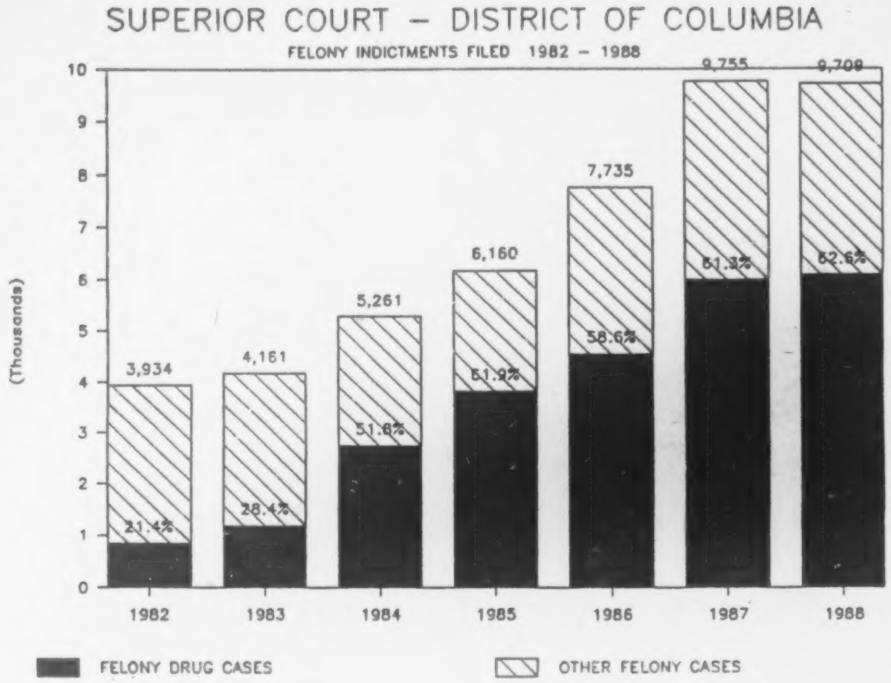
DISTRICT OF COLUMBIA COURT OF APPEALS

CASES PENDING DECEMBER 31, 1980–1988



MAJOR CASE ACTIVITY JANUARY 1 TO DECEMBER 31, 1988

Case Type	Cases Pending January 1	Filings and Reinstatements	Dispositions	Cases Pending December 31	Percent Change 1987-1988
U.S. Misdemeanors	18,815	17,793	17,611	1,997	10.0
Felony Indictments	2,455	11,400	10,677	3,178	29.5
Civil Actions	5,115	4,191	3,528	5,778	13.0
Juvenile	1,466	5,491	5,706	1,251	-14.7
Divorce	3,009	3,941	4,145	2,805	-6.8
Support	811	2,900	3,021	690	-14.9
TOTAL	14,671	45,716	44,688	15,699	7.0



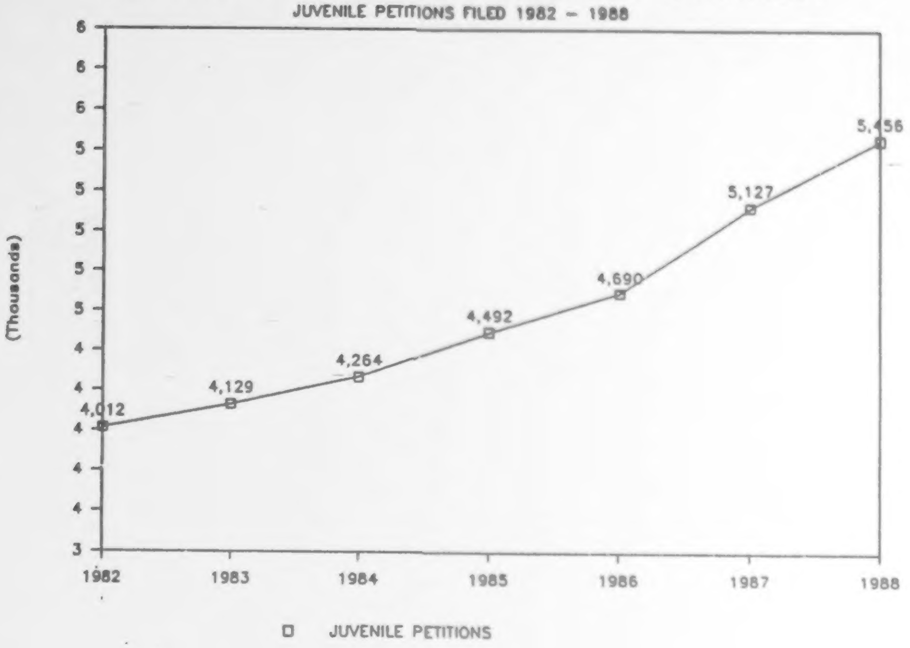
SUPERIOR COURT – DISTRICT OF COLUMBIA

FELONY INDICTMENTS FILED 1982 – 1988

Annual Drug Test Results - Adult Arrestees - 1988

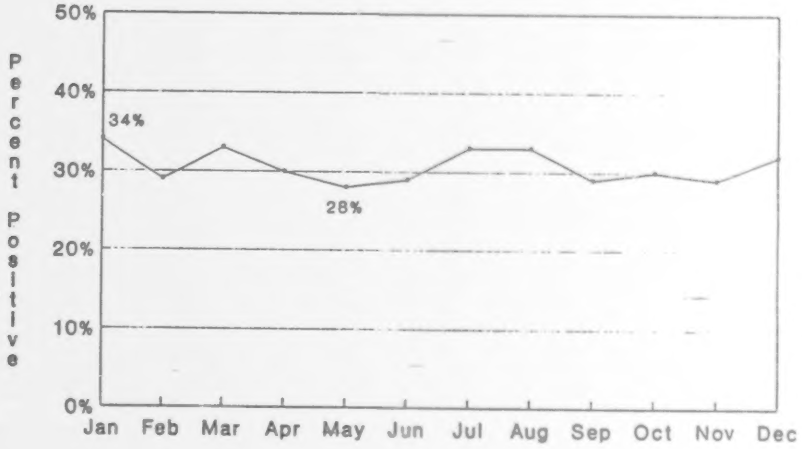
Total Number Tested 15,734
Total Positive 11,411 or 73% of those tested

DRUG	NUMBER POSITIVE	% POSITIVE
Amphetamines	156	1%
Cocaine	10,078	64%
Methadone	282	2%
Opiates	2,618	17%
PCP	5,224	33%



SUPERIOR COURT – DISTRICT OF COLUMBIA

JUVENILE PETITIONS FILED 1982 – 1988

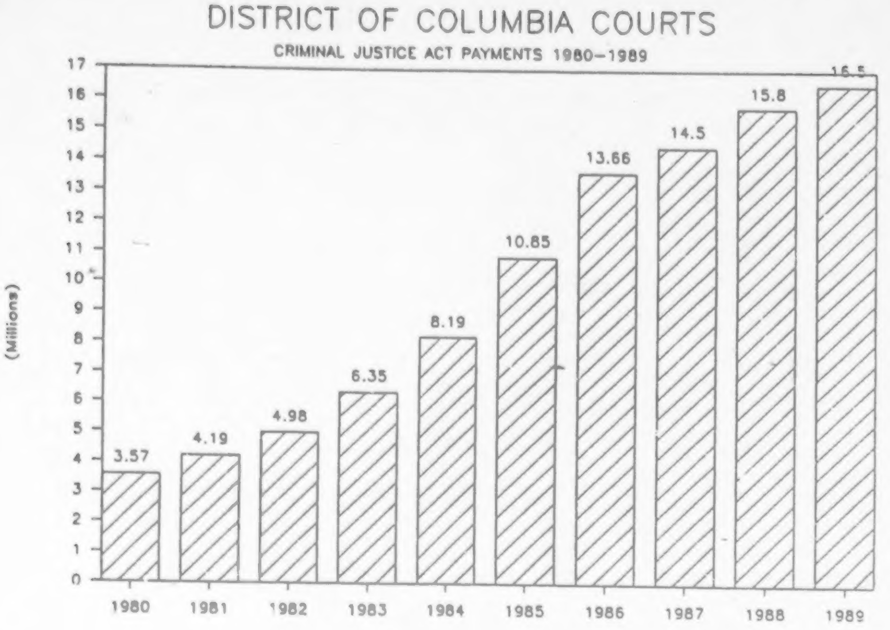


1988 Juvenile Drug Testing Results

Overall Positive by Month

N = 4558

D.C. Pretrial Services Agency



DISTRICT OF COLUMBIA COURTS

CRIMINAL JUSTICE ACT PAYMENTS 1980–1989

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
DISPOSITION TIME STANDARDS ANALYSIS FOR THE YEAR 1987

CASE TYPE	AMERICAN BAR STANDARD	SUPERIOR COURT PERFORMANCE	STANDING AMONG 24 CITIES	SUPERIOR COURT MEDIANS
FELONIES	98% IN 180 DAYS	71% IN 180 DAYS	13TH	100 DAYS
MISDEMEANORS	100% IN 90 DAYS	76% IN 90 DAYS	*	*
CIVIL	90% IN 12 MONTHS	53% IN 12 MONTHS	12TH	333 DAYS

* INFORMATION NOT AVAILABLE

ANALYSIS OF TRIAL CALENDARS IN THE SUPERIOR COURT
AUGUST 1986 THROUGH FEBUARY 1989

CALENDAR	PENDING 08/30/86	PENDING 12/31/86	PENDING 08/30/87	PENDING 12/31/87	PENDING 12/31/88	PENDING 02/28/89
FEL.I	33	40	28	38	60	57
FEL.I	38	42	47	34	40	50
TOTAL	71	82	75	72	100	107
AV.	36	41	38	36	50	54
ACF	56	30	32	31	27	29
ACF	37	39	25	27	47	50
TOTAL	93	69	57	58	74	79
AV.	47	35	29	29	37	40
FEL.II	115	150	215	199	232	251
FEL.II	145	208	161	209	281	291
FEL.II	149	187	182	190	305	271
FEL.II	149	196	253	192	263	267
FEL.II	107	220	190	211	232	229
FEL.II	161	201	159	173	199	194
FEL.II	205	174	161	203	258	254
FEL.II	167	211	241	204	238	264
FEL.II	119	213	160	170	250	213
FEL.II	169	159	265	190	239	229
FEL.II	124	214	204	180	245	226
FEL.II	164	159	166	202	261	265
TOTAL	1774	2292	2357	2323	3003	2954
AV.	148	191	196	194	250	246
MISD.	237	270	204	242	326	243
MISD.	266	310	261	277	313	266
MISD.	304	245	211	237	295	317
MISD.	310	345	224	211	268	254
MISD.	265	302	256	273	230	184
MISD.	355	329	279	207	209	220
MISD.	265	330	276	0	0	0
MISD.	451	351	442	363	351	389
TOTAL	2453	2482	2153	1810	1992	1873
AV.	307	310	269	259	285	268

COMPARISON OF COURT CASELOAD AND POLICE STAFFING 1985 - 1990

PERIOD	NUMBER POLICE	MISD. FILINGS	% OF TOTAL FILED	FELONY FILINGS PRE-IND	% OF TOTAL FILED	FELONY INDICT FILED	% OF TOTAL FILED	TOTAL FILED	ARR PER OFF
1985	3,853	19,443	66.7%	9,727	33.3%	6,160	21.1%	29,170	7.6
1986	3,792	16,213	56.3%	12,568	43.7%	7,735	26.9%	28,781	7.6
1987	3;857	16,152	53.4%	14,097	46.6%	9,755	32.2%	30,249	7.8
1988	3,990	14,606	49.4%	14,969	50.6%	9,709	32.8%	29,575	7.4
1989(EST.)	4,055	14,100	47.0%	15,900	53.0%	9,900	33.0%	30,000	7.4
1990(EST.) (700 MORE)	4,755	15,705	45.0%	19,195	55.0%	11,866	34.0%	34,900	7.3

COMPARISON OF JUVENILE PETITIONS FILED TO POLICE STAFFING 1985 - 1989

PERIOD	NUMBER POLICE	JUVENILE FILINGS	FIL. PER OFF
1985	3,853	4,492	1.2
1986	3,792	4,690	1.2
1987	3,857	5,127	1.3
1988	3,990	5,456	1.4
1989(EST.)	4,055	5,700	1.4
1990(EST.) (700 MORE)	4,755	6,400	1.3

ESTIMATED COST OF EMERGENCY MEASURES

PROGRAM OR SERVICE	
SUPERIOR COURT ADDITIONAL JUDGE CALENDARS: JUDGES(11); LAW CLERKS, SECRETARIES, COURT REPORTERS, COURTROOM CLERKS, DATA ENTRY CLERKS, PROBATION OFFICERS, AND COLLATERAL STAFF (79)	$3,300,000
STAFF OVERTIME FUNDING	$100,000
PROBATION OFFICERS REQUIRED TO PROVIDE ADEQUATE MONITORING AND SERVICES FOR CLIENTS (52)	$1,600,000
U.S. MARSHAL COURTROOM SUPPORT (11)	$250,000
INDIGENT DEFENSE SERVICES	$3,500,000
PRE-TRIAL SERVICES SUPPORT STAFF (8)	$450,000
SUPERIOR COURT TOTAL	$9,200,000

PROSECUTORS FOR THE ADDED COURTROOMS
U.S. ATTORNEYS (estimate approximately 34 needed)
ASSISTANT CORPORATION COUNSELS (est. 3 needed)

FACILITIES
(ESTIMATED AT 50,000 - 100,000 SQUARE FEET)

OTHER NEEDS AND RECOMMENDATIONS
(COSTS NOT PROJECTED AT THIS TIME)

SUMMARY REMARKS OF SENATOR ADAMS

Senator **Adams**. We will try to help you with your security problem. Give us the exact amount and the exact number of people and we will raise this. I do not want to give you an assurance, but I can understand your problem and it certainly ties to the basic problem we are trying to deal with.

Mr. **Polansky**. Thank you, sir.

Senator **Adams**. I want to thank all of you for your appearance before the committee. I know it is a little different this year than it has been in years in the past. It is unfortunately not, I do not want to say routine in an attempt to strengthen the court system, but those of us that have been deeply involved in the court system for many years understand that it is a key and integral part of the justice system, it is the justice system of the United States and we are simply trying to strengthen your hand.

My comments and the letters that you will receive, Judge Ugast, and I will forward one to the chief judge of the Federal district court and to the Mayor, are simply directed toward trying to correct a basic problem that we are dealing with at the present time and are problems of legislative policy and I have not and I have strenuously to avoid commenting on the conduct of any judge, any group of judges, or any statement that anybody is acting improperly, but we have to deal with this problem.

I am sure that when you have your next meeting with the judges you will understand the concern and I might say that I am probably the lightest voice that you will hear from this committee.

Thank you all very much and we appreciate your being here.

Judge **Rogers**. Mr. Chairman, could I just make a comment?

Senator **Adams**. Yes; Judge Rogers.

ADDITIONAL NEEDS OF APPEAL COURT TO FIGHT WAR ON DRUGS

Judge **Rogers**. I think it is important and your comments reflect not only your concern for the District, but your experience in this whole area of law enforcement.

I think unfortunately too often the community understands the need for police, more prosecutors, and more trial judges.

What has been neglected, I regret to say, for at least the last 10 years has been the concern about justice on appeal. Even under the limited use that we now have of the preventive detention statute, those cases inevitably result in appeals. They are the 2254's as well as the statutory appeals.

That is the kind of pressure that mounts up on the appellate court and where the recommendation was talking about a far different time 10 years ago saying we needed this system, I would urge you if it is possible to include in your recommendation that justice on appeal is also something that has to be addressed when we look at the comprehensive criminal justice system in the District of Columbia.

Senator **Adams**. I certainly agree with you. I just wish they had not spent all the money during the last 10 years because we do not seem to have any money for anything around here anymore, but I will do the very best I can.

Judge **Rogers**. Thank you, Mr. Chairman.

Senator **Adams**. Thank you all very much.

BOARD OF EDUCATION

STATEMENT OF HON. LINDA CROPP, PRESIDENT

ACCOMPANIED BY:
R. DAVID HALL, VICE PRESIDENT
ANDREW E. JENKINS III, SUPERINTENDENT OF SCHOOLS

OPENING REMARKS

Senator **ADAMS**. I thank the judiciary for their comments. We will now hear from the Board of Education and I will recess for 2 minutes while everyone has a chance to have their seat.

[A brief recess was taken.]

Senator **ADAMS**. The subcommittee will come to order.

It is a pleasure at this time for the subcommittee to welcome for testimony President Linda Cropp of the Board of Education, Dr. Andrew Jenkins, Superintendent of Public Schools and I understand that Mr. David Hall is with us also, who is a member of the school board and the former president.

If you would introduce others that are going to be there to assist you I would appreciate it.

I want to thank all of you. The purpose of this hearing this morning is for the development of the school board's budget.

I particularly am interested in the testimony that you wish to give to us on what you believe the status of the educational plant is in the District of Columbia. I do not think there is any more important function than educating our youth.

My son went through the D.C. school system. My three other children attended up through the elementary level. We have various kinds of experience, both here, and I am talking about the public schools and in the private schools and in the schools of the city of Seattle.

But I am very concerned with what has happened since our children left this level and I am also very concerned about the fact that as with all people who serve in the Congress of the United States or work in the U.S. Capital, we are in constant contact with young people who are coming out of the school system who are holding jobs here that we deal with as to whether they are prepared and whether or not they are able to utilize often basic mathematics and basic communication skills.

I think that we have a rapidly escalating requirement for skills dealing with mathematics and computer skills to communications and the ability to handle a sophisticated communication system in a service-oriented community, which this is.

We do not have large numbers of blue collar jobs as do those communities that are lucky enough, or maybe unlucky enough, to have large production facilities of the United States in them. Therefore, our students have a special pressure upon them to have skills that allow them to both communicate and to handle the very new and sophisticated service-type machinery and technology, which frankly, outruns my competence very quickly. So I am not stating that I do not think that they are falling behind because of lack of effort, but it is a real skill to be learned.

PREPARED STATEMENT

We are anxious to know how you intend to hear your comments on this. As I have stated to the other witnesses, we would be most pleased to have your testimony either read, you can put your statement in full into the record and summarize it, or proceed in whichever fashion is most comfortable with you.

President Cropp, I think we probably should start with you. Welcome, and we are pleased to receive your statement.

[The statement follows:]

STATEMENT OF LINDA W. CROPP

GOOD AFTERNOON, SENATOR ADAMS AND MEMBERS OF THE SUBCOMMITTEE. I AM LINDA CROPP, PRESIDENT OF THE BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA. I WELCOME THE OPPORTUNITY TO COME BEFORE YOU THIS AFTERNOON TO ADDRESS THE SCHOOL SYSTEM'S FY 1989 SUPPLEMENTAL AND FY 1990 BUDGET REQUESTS.

AFTER I PRESENT MY STATEMENT, DR. JENKINS, SUPERINTENDENT OF THE D.C. PUBLIC SCHOOLS, WILL DESCRIBE IN SOME DETAIL BOTH THE STRIDES THAT THE SCHOOL SYSTEM HAS MADE IN FY 1989 AND THE OBSTACLES THAT HAVE STOOD IN THE WAY OF OUR PROGRESS. HE WILL ALSO SPEAK OF ACHIEVEMENTS THAT WE HOPE TO ACCOMPLISH WITH THE $11.8 MILLION IN ADDITIONAL FUNDS, OVER AND ABOVE THESE APPROVED FOR THE D.C. PUBLIC SCHOOLS BY THE MAYOR AND THE COUNCIL OF THE DISTRICT OF COLUMBIA, WHICH WE ARE REQUESTING FROM THE CONGRESS FOR FY 1990. FIRST, HOWEVER, I WOULD LIKE TO PROVIDE YOU WITH A SOMEWHAT BROADER VIEW OF THE ADVANCES THAT THE D.C. PUBLIC SCHOOLS HAS MADE DURING THE LAST SEVERAL YEARS, IN SPITE OF THE SIGNIFICANT ODDS AGAINST US, AS WELL AS TO OUTLINE FOR YOU THE INITIATIVES THAT THE SCHOOL SYSTEM WILL BE ABLE TO UNDERTAKE IF PROVIDED WITH ONLY THE LEVEL OF FUNDING APPROVED BY THE MAYOR AND THE COUNCIL.

LET ME BEGIN BY SAYING THAT THERE IS EVERY INDICATION THAT THE D.C. PUBLIC SCHOOLS CONTINUED TO USE ITS RESOURCES WELL IN FY 1989. ONCE AGAIN, THE SCHOOL SYSTEM'S FINANCIAL OPERATIONS RECEIVED AN UNQUALIFIED ANNUAL AUDIT REPORT BY PEAT MARWICK. IN ADDITION, FOR THE SECOND YEAR IN A ROW, OUR CONTROLLER WON THE "CONTROLLER'S CUP", AN AWARD GIVEN ANNUALLY FOR EXCELLENCE IN FINANCIAL REPORTING.

UNFORTUNATELY, HOWEVER, THE FUNDING THAT WE RECEIVED FOR FY 1989 WAS INSUFFICIENT TO ENABLE US TO INITIATE MANY BADLY-NEEDED SCHOOL IMPROVEMENT EFFORTS OR EVEN TO MAINTAIN SEVERAL VERY WORTHWHILE PROGRAMS AND SERVICES. IN FACT, BECAUSE ALL ADDITIONAL MONIES PROVIDED IN FY 1989 WENT TO PARTIALLY FUND EMPLOYEE PAY RAISES, WE HAVE BEEN FORCED TO PARE DOWN SCHOOL SYSTEM OPERATIONS IN FY 1989 BY INSTITUTING SUCH COST-SAVINGS MEASURES AS A ONE-MILLION-DOLLAR CUT-BACK IN ADULT AND COMMUNITY EDUCATION PROGRAMS AND A FURTHER 1% ACROSS-THE-BOARD REDUCTION IN ALL SCHOOL SYSTEM PROGRAMS AND ACTIVITIES. WE HAVE ALSO SEVERELY CURTAILED OUR 1989 SUMMER SCHOOL PROGRAM. I SHOULD ADD THAT THESE CUT-BACKS COME IN THE WAKE OF PAINFUL FY 1988 COST-SAVING MEASURES WHICH INCLUDED FREEZES ON HIRING AND OTHER-THAN-PERSONAL-SERVICES SPENDING AND REDUCTIONS IN OUR 1988 SUMMER SCHOOL PROGRAM.

STILL, I AM PLEASED TO REPORT THAT, DESPITE THE D.C. PUBLIC SCHOOLS' FINANCIAL INABILITY TO INSTITUTE A NUMBER OF NEW SCHOOL IMPROVEMENT MEASURES IN FY 1989, OR EVEN TO MAINTAIN ALL OF THOSE ESTABLISHED IN THE PAST, WE HAVE CONTINUED TO SEE POSITIVE OUTCOMES ACCRUING FROM INITIATIVES FINANCED WITH PREVIOUS BUDGET INCREASES. IN MOST INSTANCES, FOR EXAMPLE, SCHOOL YEAR 1987-88 TEST SCORES WERE HIGHER THAN THOSE EARNED IN SCHOOL YEAR 1986-87, AS OUR ELEMENTARY STUDENTS CONTINUED TO ACHIEVE NEAR OR ABOVE THE NATIONAL NORM ON THESE ACHIEVEMENT EXAMS. IN ADDITION, THE NUMBER OF OUR GRADUATES INDICATING THAT THEY PLANNED TO PURSUE COLLEGE CAREERS OR OTHER POSTSECONDARY TRAINING FOLLOWING GRADUATION INCREASED BY OVER 10% DURING THIS SAME TIME PERIOD (FROM 60 TO 71%), AND THE AMOUNT OF FINANCIAL AID, SCHOLARSHIPS AND OTHER AWARDS GARNERED BY THESE GRADUATES SOARED, FROM SEVEN TO TWELVE MILLION DOLLARS, IN SCHOOL YEAR 1987-88.

AS ALWAYS, THE SCHOOL SYSTEM WAS ABLE TO ACHIEVE THESE ACCOMPLISHMENTS ONLY WITH THE AID OF THE COMMUNITY-AT-LARGE. I AM PROUD TO POINT OUT THAT AS FISCAL CONSTRAINTS MADE VOLUNTEER EFFORTS EVEN MORE CRUCIAL TO THE SCHOOL SYSTEM'S PROGRESS, THE COMMUNITY CONTINUED TO MEET THE CHALLENGE OF HELPING US MOVE TOWARD OUR GOAL OF IMPROVING THE QUALITY OF THE EDUCATION PROVIDED BY THE D.C. PUBLIC SCHOOLS.

SPECIFICALLY, A RECORD NUMBER OF VOLUNTEERS (24,300) GAVE INSTRUCTIONAL SUPPORT TO OUR STUDENTS, THROUGH TUTORING AND OTHER EDUCATIONAL SERVICES, IN SCHOOL YEAR 1987-88. TWELVE AREA COLLEGES AND UNIVERSITIES CONTINUED TO PARTICIPATE IN THE HIGH SCHOOL/COLLEGE INTERNSHIP PROGRAM, AN EFFORT WHICH ALLOWS HIGH SCHOOL SENIORS WHO MEET RIGOROUS ACADEMIC STANDARDS TO ENROLL IN COLLEGE CREDIT COURSES. IN ADDITION, THE UNIVERSITY OF THE DISTRICT OF COLUMBIA AGREED TO ENTER INTO A NUMBER OF OTHER COLLABORATIVE EFFORTS, PERTAINING TO ACADEMIC INSTRUCTION AND ADMINISTRATION, WITH THE SCHOOL SYSTEM, MOST NOTABLY THE DEVELOPMENT OF A MIDDLE COLLEGE HIGH SCHOOL.

WITHIN THE BUSINESS COMMUNITY, THE WASHINGTON POST INITIATED A PROGRAM AT EASTERN SENIOR HIGH SCHOOL IN WHICH STUDENTS ARE ABLE TO ACCUMULATE UP TO $4,000 IN COLLEGE TUITION BY EARNING GRADES OF "A" AND "B". MOREOVER, HERBERT HAFT, CHAIRMAN OF THE BOARD OF THE DART GROUP CORPORATION, AGREED TO CONTRIBUTE TOWARD REFURBISHING BOTH THE BANNEKER HIGH SCHOOL LIBRARY AND THE CARDOZO HIGH SCHOOL TRACK.

Still, in describing some of the School System's recent achievements, I do not mean to suggest that we can continue to make progress when provided with the sort of "bare bones" budgets given to the School System in FY 1989. Rather, it is clear that in light of the many formidable obstacles which lie before us in our effort to provide the best possible education to every D.C. Public School student -- impediments which include rampant drug abuse and the ever-escalating incidence of violence in our City --- we can only hope to reach our goal of providing a quality education to all District youth through increased funding for the D.C. Public Schools.

I know that I need not describe the impediments that we face in great detail, for we all read about them almost every day. However, to emphasize, yet again, just how formidable these obstacles are, I feel compelled to mention just a few alarming statistics in regard to the youth in the District of Columbia. During the first eleven months of 1988, for instance, there were 1963 juvenile drug arrests in the District, and, during this same time period, 74% of the juvenile offenders coming before the courts tested positive for cocaine. Perhaps just as disturbing, moreover, is the fact that our homeless student population more than tripled - - - from 350 to 1200 - - - in a single school year. In addition, 542 students, for whom English is a second, and often completely unknown, language, have entered our School System in grades kindergarten through twelve during the last school year.

You should also be aware that we are fighting the battle against these formidable odds armed with only limited ammunition. Our teachers' and administrators' salaries, for example, lag far behind those of the surrounding jurisdictions. Similarly, our per pupil allotment for instructional supplies and materials is below those of four out of seven of our neighboring school systems, systems which, I might add, face problems far less severe than those with which were are confronted. Moreover, although violence is rampant in our city, we do not have security aides in many of our elementary schools.

For all of these reasons, we urge you to support our budget needs with an increase in the FY 1990 federal payment to the District of Columbia of $11.8 million, with instructions that this additional funding is to be used to finance the Board of Education's original FY 1990 budget request in the amount of $512.4 million. Given this level of funding, the School System will be able once again to resume the momentum of

PROGRESS WHICH WAS BEGUN IN RECENT YEARS BUT HAS SLIPPED DUE TO THE INADEQUACY OF OUR PAST BUDGETS. PROVIDED WITH THESE MONIES, WE WILL AGAIN BE ABLE NOT ONLY TO SUSTAIN OUR ACCOMPLISHMENTS OF THE PAST BUT ALSO TO FORGE AHEAD TO SIMILAR ACHIEVEMENTS IN FY 1990.

AS YOU KNOW, THE MAYOR AND THE COUNCIL OF THE DISTRICT OF COLUMBIA HAVE APPROVED A $3.8 MILLION FY 1989 SUPPLEMENTAL BUDGET AND AN FY 1990 BUDGET OF $500,579,000 FOR THE SCHOOL SYSTEM, LEVELS OF FUNDING, WHICH, ADMITTEDLY, WILL ENABLE US TO FINANCE SOME VERY IMPORTANT IMPROVEMENT EFFORTS. SPECIFICALLY, WITH THESE MONIES WE CAN ERASE THE DEFICIT WHICH RESULTED FROM THE UNDERFUNDING OF D.C. PUBLIC SCHOOLS' FY 1988 AND FY 1989 PAY RAISES AND FULLY FUND THE FY 1990 PAY INCREMENTS NECESSARY TO BRING OUR SALARIES CLOSER TO COMPARABILITY WITH THOSE OF THE SURROUNDING JURISDICTIONS. IN ADDITION, GIVEN THESE BUDGETS, WE WILL BE ABLE TO REDUCE OUR PUPIL/TEACHER RATIO TO 20-1 AT THE THIRD GRADE LEVEL, TO IMPROVE OUR BILINGUAL EDUCATION SERVICES, AND TO INCREASE OUR INTERVENTIVE EFFORTS IN REGARD TO HOMELESS CHILDREN. WE CAN ALSO EXPAND OUR TEACHER RECRUITMENT AND RETENTION PROGRAM AND HIRE THE SIXTY ADDITIONAL SECURITY AIDES NEEDED TO ENSURE THE SAFETY OF OUR ELEMENTARY SCHOOLS.

STILL, IT IS IMPORTANT TO NOTE THAT, GIVEN THIS FUNDING LEVEL IN FY 1990, WE WILL NOT BE ABLE TO FUND SEVERAL EQUALLY IMPORTANT INITIATIVES WHICH DR. JENKINS WILL DESCRIBE IN SOME DETAIL - - - PREVENTIVE MEASURES WHICH, AS DRUGS AND VIOLENCE PLAGUE OUR CITY, WE CAN ILL AFFORD NOT TO FUND. I WISH TO EMPHASIZE, MOREOVER, THAT THE MAYOR HIMSELF HAS ENDORSED THIS REQUEST FOR ADDITIONAL FUNDING FOR THE SCHOOL SYSTEM. TO QUOTE FROM HIS TESTIMONY BEFORE THE SUBCOMMITTEE, "SHOULD THE CONGRESS APPROVE AN INCREASE TO THE AUTHORIZED FEDERAL PAYMENT, I WOULD WISH TO SEE UP TO $20 MILLION ALLOCATED TO THE PUBLIC SCHOOL SYSTEM FOR EDUCATIONAL PROGRAMS."

FOR ALL OF THESE REASONS, I URGE THE SUBCOMMITTEE TO INCREASE THE FY 1990 FEDERAL PAYMENT TO THE DISTRICT BY $11.8 MILLION AND, CONCOMITANTLY, TO APPROVE THE SCHOOL SYSTEM'S FULL BUDGET REQUEST IN THE AMOUNT OF $512.4 MILLION. I WISH TO THANK YOU, SENATOR ADAMS AND OTHER MEMBERS OF THE SUBCOMMITTEE, FOR AFFORDING ME THE OPPORTUNITY TO TESTIFY THIS MORNING. I WOULD NOW LIKE TO PRESENT DR. JENKINS, SUPERINTENDENT AND CHIEF STATE SCHOOL OFFICER OF THE D.C. PUBLIC SCHOOLS. FOLLOWING HIS TESTIMONY, WE STAND PREPARED TO ANSWER QUESTIONS THAT YOU MAY HAVE.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS–A SYSTEM IN NEED

PREFACE

This report is designed to articulate and address the needs of the District of Columbia Public Schools, as comprehended by the system's policy makers, the District of Columbia Board of Education. Represented herein are the major, cumulative concerns of Board Members with regard to the needs of this system. While the report acknowledges several of the substantial achievements of the system, it focuses on outstanding needs. Page twelve of the report depicts some of the most pressing needs at a glance.

AN EXECUTIVE SUMMARY

This report sets forth some of the immediate needs of the District of Columbia Public School System. These requested items are necessary to ensure that programs which serve elementary, junior high, and senior high school students within the District of Columbia, continue to receive the level and quality of instruction expected by the Board of Education as set forth in its mission statement.

The strengthened summer school program, as requested by the Superintendent, will enable more students to make up academic failures and thereby reduce the number of students who are retained in grade. The increase will also fund enrichment programs and more varied and extensive offerings heretofore not available in summer school. Our studies indicate that students who are retained in grade without the benefit of immediate remedial support are more likely to lose interest, fall behind and the demonstrate behavioral problems in ensuing academic years. The summer school program, strengthened in both remedial and enrichment offerings, will assist all students in mastering those subjects not mastered during the academic year and provide advanced course work and special interest subjects for interested students.

The reduction in the pupil/teacher ratio is a continuation of a plan begun several years ago. This year, the request of the Board of Education will continue that momentum by reducing the pupil/teacher ratio, in grades three and four, to 20 to one for the next school year.

Two years ago, a special report was commissioned to look into the status of the athletic program for D.C. Public Schools. This report found that facilities are in need of improvement, equipment must be updated or replaced, course offerings must expanded, and extra-duty pay must be increased to attract qualified coaches. This year, the Superintendent is requesting funds to address these issues and begin to strengthen and build a strong athletic program for the District. An improved athletic program will assist in meeting our overall objective of producing a high quality educational program for our students.

The expanded early childhood program began several years ago with the introduction of half-day Pre-Kindergarten. The Board policy of moving to full-day Pre-K, citywide, has now led us to the next step which is to complete the phase-in of full-time aides in all Pre-K classrooms, expand early childhood programs and strengthen the existing Pre-K programs.

The reduction of the secondary counselor/student ratio is necessary to provide junior and senior high school students with that all important assistance in making career choices and the transition from school to work or higher education, and working through the myriad of problems endemic in urban society including teen pregnancy, drug abuse, economic needs and peer pressure. By reducing the secondary school counselor/student ratio the D.C. Public Schools system will be able to provide our students with more direct services at the school level.

Because new teachers will comprise an increasingly large proportion of the teaching force over the next decade, improvement of teacher quality will depend on the District's ability to recruit, select and retain qualified new teachers, and at the same time ensure that they are knowledgeable in their subject areas and can translate that knowledge into effective classroom performance. The mentor teacher program provides a one-year internship for all new teachers under the guidance of an expert, experienced teacher. The requested increase in this area will decrease the caseload of mentors to new teachers to 17 to one, thereby providing new teachers with proper instructional support and classroom management techniques.

Recent figures show an increase in the dropout rate for the District. While special, federally funded programs are just beginning to impact upon this area, a more permanent solution is necessary which is provided for in the base budget of the school system.

The school system has endeavored to increase safety and security in our schools throughout this year. The Superintendent and the Board now request funds for improved safety and security, which includes providing school security aides to all elementary and secondary schools. The time for the local school to rely exclusively upon the already overworked Police Department for security of our school system has passed. School-based security personnel are necessary to monitor entrances during the day, assist the principal in monitoring playground activities, and prevent unwanted intruders from harassing teachers and students during the course of the school day. In addition, the increasing number of students carrying weapons has caused great concern and alarm among school officials. In this package for improved safety and security will be the random use of metal detectors and other weapon detecting devices to assist the schools in maintaining a safe environment.

There is a great need for an improved facilities maintenance and repair program. Recent surveys indicate that the state of repairs in D.C. Public School buildings has failed to keep pace with deterioration. Therefore support and assistance in this area are requested to prevent further deterioration and begin the process of improving the state of buildings now utilized.

These requests by no means exhaust the list of needs, but funding for these requests will assist the school system, to a large degree, in meeting the needs of the student body and in keeping pace with the progress which has been made in prior years.

THE PEOPLE OF THE DISTRICT OF COLUMBIA

The residents for the District of Columbia constitute the fifteenth largest city in the United States, number in excess of 600,000 persons and live within a land area of 60 square miles. Literally, in the "shadow of the Capitol" and "at the seat of the Federal Government," the District's people uniquely, and singularly among the citizens of the United States, have no voting representation in the Congress of the United States. As of July 1986, the city's population was 54 percent female, 46 percent male, 67 percent African American, 28 percent White; 5 percent other heritages; 6 percent was Latino. Among those persons 19 years of age and younger, the distribution of males and females was about even, there being about 75,800 and 74,500, respectively. Numbered among the population are students representing more than 130 countries and speaking some 90 languages.

Based on the 1980 census, 28 percent of the residents who were 25 years of age or older had attended college; by contrast, 16 percent never completed elementary school. Likewise, while the District's per capita income is high for many, 14 percent of its households were living in poverty.

Unique as an entity within the American political system, the government of the District of Columbia functions as a state, a county, a city, and a school district combined. Therefore, continually, the District performs at least 4 service delivery functions simultaneously.

PUBLIC EDUCATION IN THE NATION'S CAPITOL

In the District of Columbia, the Board of Education and one Superintendent administer both state and local school district functions. The system is divided into 4 divisions: elementary, junior high, senior high, and special populations, each headed by an Assistant Superintendent. Educational services are provided from pre-school through adult education.

The mission of the Public Schools is to promote excellence in the intellectual and social development of children and youth by providing for the attainment of knowledge, competencies and skills, and enabling students to function with ease and independently, as useful citizens in the community.

The school system is the eleventh largest of all city school systems and the twenty-first of all systems across the nation. Over 87,000 students are enrolled, 51,000 in elementary grades, pre-kindergarten through grade 6, 17,000 in junior high schools, grades 7 through 9, 17,000 in senior high schools, grades 10 through 12, 1100 in special education, and 1800 in adult education.

Ninety-one percent of the students in pre-kindergarten through grade 12 are African-American.

CHALLENGES TO THE SYSTEM

A climate of crime besieges the city, many of its neighborhoods, and too many of its schools. Weekly and often daily, reports of anti-social and/or criminal incidents are generated. Such incidents impede the maintenance of an environment conducive to teaching and learning. The fear of intimidation, violence, and the threat of violence detract daily from the academic potential for the classrooms of many public schools. Across the city, during the years 1986-1987, reported homicides increased by 16%, assault by 21.6%, burglary by 3.9%, auto thefts by 3.1%, arson by 2.9%, drugs by 12.4%, vandalism by 13.4% and simple assault by 21.1%.

Juvenile arrests averaged 2000 per year from 1983 through 1987 for felony offenses. In 1986-1987 nearly half of these were for auto theft, 250% more than that category of arrests for 1983. Larcenies, burglaries, and robberies accounted for 34 percent of juvenile arrests in 1987. Narcotic offenses accounted for 48 percent of juvenile misdemeanor arrests.

Equally challenging to the city and its service delivery systems is the ever increasing number of families and youth daily numbered among the homeless. Homeless children, undoubtedly are "at risk." Their environs and lifestyles mirror social and family disintegration, disorientation, and struggle. Life in a temporary shelter poses every imaginable barrier to academic growth, development, and achievement. There is no stability in the environment. There is no place suitable for study available to children. The home most often is one cramped room occupied by both an adult and a number of siblings. Every aspect of living is temporary and insecure.

Teachers, psychologists and social workers are required to address, as best they can, each negative aspect in the lives of homeless children, who by nature of their homelessness experience undue absences and tardiness, and whose total existences are generally distressed. These children, nevertheless, need to be provided both the living and learning skills to survive and to succeed.

Children in poverty in the District of Columbia are characterized by depression and desperation.. For an overview of children living in poverty, an apt description is provided in the Final Report of the Board of Education's Values Commission (1988, pp 2-4):

. Approximately 35 percent of children live below the poverty level;

. More than 50 percent of the city's elementary school students qualify for free and reduced-price meals;

- Nearly 40 percent of all District of Columbia children live in families headed by a single mother who is also likely to be raising her children in poverty;

- There are over 500 homeless families and 1,200 homeless children, 800 of whom are school-aged;

- Approximately 60 percent of all babies are born out of wedlock each year in the District of Columbia and 20 percent of all these births in 1984 were to teenagers;

- Assistance to Families with Dependent Children (AFDC) provided $364 per month for a family of three in 1987, 51 percent of that family's actual need;

- The District's child-support enforcement system collected child support from only 6 percent of absent fathers;

- Less than 50 percent of mothers of African American babies born in the District in 1985 had adequate prenatal care while one in eight babies born in 1984 were born premature with low-birth weight;

- The mortality rate of African American infants in the nation's capital reached 24 per 1,000 in 1985, one of the highest in the country;

- Reports of suspected child-abuse incidents in Washington, D.C. increased by 20 percent between 1981 and 1985;

- Approximately 45 percent of all students entering ninth grade in this city in 1981 did not graduate four years later, a figure more than 15 percent higher than the national dropout rate;

- Unemployment among the District's youth between the ages of 16 to 19 soared to 31.5 percent in 1985; and,

- Ninety percent of the D.C. Prison population did not finish high school.

At the local school level the picture is even more revealing. One inner city school currently enrolls 93 first grade students in four classes; 46 boys and 47 girls of African American descent. Seventy-five students or approximately 81 percent live with their mother only; seven live with their mother and father; the remainder live with either their grandmother and mother, one or both grandparents or an aunt. Slightly over 45 percent of the children live in families in which three or more children are present. Fifty-seven (57) percent of the children live in families receiving public-assistance (AFDC) and the same percentage receive free or reduced lunch.

In spite of the poverty and other disadvantages, however, the same inner city school reported results on the May 1988 Comprehensive Tests of Basic Skills (CTBS) as follows:

GRADE	SKILLS AREA	NAT'L GRADE EQUIVALENT	NAT'L PERCENTILE RANK
National Norm			
3	All	3.8	50
6	All	6.8	50
Unidentified Inner City School			
3	Reading	4.2	62
6		6.9	52
3	Mathematic	4.4	74
6		7.6	70
3	Language	4.4	71
6		7.9	62
3	Science	5.6	89
6		6.6	47

These standardized test results demonstrate the existence of an effective elementary inner city school. There are other schools in the District of Columbia Public Schools achieving comparable levels of success, but not nearly enough.

H. Ross Perot, businessman and head of a committee charged by the governor and the state legislature with studying the Texas school system made the following observation in a Washington Post article entitled, "Wake up, America!" (November 20, 1988, p. D4):

> It would be wonderful if we had a strong family unit in every home to give each child the sense of confidence he or she needs to get a good start. But the fact is that we don't. And the only way to offset that is through the public schools.

Society pays a price for continued failure in schools. Society's cost must be assessed in terms of reduced national income and lowered tax revenues, welfare and unemployment subsidies, judicial and penal services, health and medical costs and remedial education and training services.

The harsh reality facing many of the District's children can be personally devastating. However, poverty in and of itself does not play the pivotal role in the child's life; attitude about one's circumstance and future prospects remain important. The public school must find the means to inspire hope, courage and determination in its children to meet and overcome all obstacles. To achieve this, the schools must:

. Provide a caring, safe and orderly learning environment for students;

. Set high expectations, monitor progress and reward results;

. Provide a level of instruction that develops the actual skills, knowledge, behaviors and character that students need to compete in their selected fields of endeavor;

. Move toward a curriculum that teaches not just basic skills, but that develops higher order thinking skills as well;

- Foster in students the belief that the most critical phase of education is self-education and that they have a responsibility to themselves to be engaged in their work;
- Recognize that every child is a unique human being who deserves our caring and respect;
- Provide public recognition for students who succeed;
- Reinforce student feelings of self-esteem and classroom achievement with immediate, direct praise and approval;
- Reinforce and nurture sound character, positive values and ethical behavior in all students;
- Enhance young people's ability to make constructive contributions through community service;
- Ensure that the social, emotional and developmental needs of all students are met; and,
- Provide positive adult role models and mentors.

The invitation to help students visualize a full and exciting future in which they can participate and help build was perhaps best expressed by Robert Kennedy when he said (Quotations of Robert F. Kennedy, 1970, p.1), "Some men see things as they are and say why. I dream things that never were and say, 'why not'."

EDUCATION: THE SINGLE, MOST POWERFUL FACTOR IN CHANGING THE CURVE

HOW THE CURRICULUM AND CURRENT SUPPORT SERVICES ADDRESS THE CHALLENGES

The curriculum and its successful implementation are key to the effectiveness of the program of the public schools. The curriculum undergoes rigorous, periodic re-evaluations to determine its current efficacy. In 1976-77, as a beginning "Year of Awareness," the system's competency-based curriculum (CBC) was instituted.

In the 1977-78 school year, pilot schools utilized the initial sets of curriculum materials under the CBC. The first full year of implementation of the CBC, characterized by intensive staff and curriculum development, was SY 1978-1979. Reports and reviews generated within the past sixteen months indicate a need to revise the CBC for increased effectiveness. The resources for this evaluation have included the division of quality assurance, CBC chairpersons, and a consultant review conducted in cooperation with the George Washington University, Washington, D.C.

Within a 20 month period, the Superintendent intends to effect a thorough three-phased review and redesign of the CBC. Projected in the first phases, spanning two months, are a reexamination of the purposes of education, including the mission, philosophy, goal of education as delineated by the Board of Education, instructional objectives, and priority goal areas. Incorporated into this phase, also, are a review of curriculum policies adopted by the Board of Education, the conduct of site visits to schools and/or a survey of principals, CBC chairpersons, teachers and students, and an analysis of secondary course offerings and sequencing with special emphasis on test scores, values, self-concept, relevance to employability, and compatibility with college entrance requirements.

In the second phase, estimated to require 6 months, the curriculum is reconceptualized and restructured, a model design is developed, the implementation process is identified, guidelines are written, field-test sites are selected, and staff development in instructional design are provided.

The final phase, lasting for one year, consists in the field test of the redesigned curriculum at selected sites; revisions are to be made and additional staff development provided, as needed. Through this process, the school system anticipates effecting a curriculum redesign which acknowledges and addresses the challenges to the system referenced above.

IMMEDIATE NEEDS AS REFLECTED IN THE 1990 BUDGET REQUEST

☑ Strengthened Summer School Program

☑ Reduced Pupil/Teacher Ratio

☑ Improved Athletic Program

☑ Expanded Early Childhood Program

☑ Reduction of Secondary Counselor/Student Ratio

☑ Reduced Student Dropouts

☑ Improved Safety and Security

☑ Expansion of the Mentor Teacher Program

☑ Improved Facilities Maintenance and Repair Program

The above mentioned needs are major focal points in our instructional and fiscal programs. As the system meets the needs of the students in this complicated society, the aforementioned areas will help solve many current problems. Early intervention with our young will have a significant positive impact on their adult life.

Since the early 1980's, the Board of Education and the Superintendent have acknowlegded the need for an enhanced summer program. In that regard, the system developed a summer school program that did not have merely a remediation program, but also an enrichment program. In doing that, the system offered math, science and computers as a few alternatives to free time on the streets and possible trouble. A conscientious decision was made to offer enrichment classes to students in the summer. This was done with a clear understanding that our young must be offered viable alternatives to a life on the streets with drug sellers and users. It was unfortunate that due to past budget underfundings our summer program was reduced significantly.

As the system attacks our dropout problem, it is clear that early intervention is needed. By the time students reach the seventh grade, it is too late. In addition, studies indicate that students achievement levels drop in the third grade, and a solid foundation will lead to a stronger student. With that in mind, the system is attempting to have sound interaction with students in the lower grades. A student with a strong basic skills foundation is less likely to drop out of school. Athletics has always been an avenue for students to learn the value of team work and how to follow rules; also a way to pay for college. In addition, athletics has given encouragement to individuals who otherwise may have dropped out of school.

The problems facing our young indicate the need for additional counselors to help them have their personal and/or social needs effectively met. Teen pregnancy, ethics, scheduling, drugs, peer pressure and self-esteem issues need constant contact with trained individuals. These issues that impact on the mental aspect of our students also can be related to some of the safety issues.

We are in strong competition with the surrounding area for teachers. In order to compete our salaries must be comparable, at least, and more, at best. Our recruiting efforts must be strengthened; our selection efforts superb. These teachers must be prepared to teach the child in spite of his home and community environment; that is their challenge. Our current plan to reduce the pupil/teacher ratio to 20:1 will enable more interaction between the teacher and student.

The expanded Mentor program will assist the system in improving our teaching staff. The problems facing teachers today are different from the past. Incentives must be given in order to attract and retain a good working force. This effort is just part of a needed extensive teacher support and development program.

RECENT SIGNIFICANT ACCOMPLISHMENTS (SCHOOL YEAR 1987-1988)-VS. CURRENT NEEDS

Despite powerful challenges, this school system has made significant strides, yet there remain critical needs to be fulfilled.

In the '87-88 school year, the Writing Initiative was enhanced by the distribution of 90,000 student writing journals to all students in grades kindergarten through 12 and by the distribution of 14,000 writing samples to students in grades seven and eight. The latter distribution included charts of the expected writing products to be achieved at the end of each grade level. Writing Coordinators were placed in every school and they conducted workshops for more that 7000 teachers and administrators.

Although the Writing Initiative complements reading skills and other language arts, in The Comparative Results and Analysis of the 1987-1988 Comprehensive Tests of Basic Skills, no grade was at the national norm in reading, and language scores were still below the national norm for grades eight, nine, and eleven.

The application of high technology and automation was increased in two areas. The Writing to Read program was expanded to 15 additional schools but this expansion could have been accelerated had there been sufficient funding to install all equipment on hand promptly upon receipt of the hardware. 700 instructional videotapes were developed to match the Competency Based Curriculum objectives and by way of the Instructional Television Fixed Services, live telecasting of a weekly DCPS news broadcast, "Scope and Sequence" was launched. Unfortunately, all schools are not equipped to receive the telecasts and neither are the administrative offices of the Superintendent or the Board. Moreover, because of funding constraints, the schools system has never activated the cable television channel designated by the District Government for its use. Additionally, whereas computers are in widespread use as instructional tools throughout the system, the quantity of the hardware is not sufficient to accommodate the numbers of students, much of the hardware is dated, and repairs and the replacement of parts are expensive if not impossible.

Through the automation of several support functions such as the electronic processing of requests for repairs, the preparation of financial forecasting, the development of budget files, procurement processing, textbook warehousing, mail distribution, local school inventorying and purchasing of supplies, the quality of administrative services has improved. This improvement has not afforded the school system an automated, state of the art records management system capable of retaining, updating, and processing as required by various regulations, all personnel, student, and administrative records.

While the administration has been reorganized to effect more efficient delivery of educational services, reorganization must be evaluated to insure integrity with the Reorganization Plan and to assess the cost effectiveness of all major changes.

With regard to the needs of the system's growing multicultural population of bilingual student, a task force has been appointed and charged with the task of examining model programs nationwide and recommending methods to improve service delivery to this student constituency. The system must become prepared to monitor the growth of this constituency so as to be able to project resource requirements at least two years in advance of critical needs. Probable rates of increase must be anticipated and utilized as planning assumptions.

For the second consecutive year, the District of Columbia Controller's Office granted the "Excellence in Financial Reporting" award to the DCPS Finance Division. The efficiency of this division will be enhanced when it effects maximum automation so that across the board pay adjustments can be routinely handled by computer operations which replace manual computations and corresponding overtime requirements.

The Public/Private Partnership program has been expanded so that 800 students in grades nine through 12 participated, but this is an area of primary concern. While private corporate involvement increases, there is in this specific arena a public relations function which must be appropriately enhanced so as to generate a substantial increase in private sector resources. All sectors of the city, business, governmental, educational, religious and civic must be convinced that our society lives or dies, grows or atrophies, in direct proportion to the effectiveness of public education, and that the private sector has an incalculable, vested interest in successful public schools.

Homeless children have received some attention from the system, including summer school support, and program objectives designed to reinforce educational activities, promote parental involvement and create a new awareness of resources available from other public agencies and advocacy groups. Nonetheless, this "at risk" population increases daily as housing and related social service opportunities provided by the city government fail to keep pace. This population's growth must be carefully monitored to enable the system to address the educational and developmental needs of homeless children, including the requisite retraining of teachers and other educational personnel.

In a limited manner, within available means, some recognition has been accorded the work of exceptional teachers, but this system needs to develop ways to expand the cadre of exceptional teachers. The objective must be to recruit competitively, to retain, develop and promote the best human resources available. In order to do so, this system must develop a means of providing for an ample incentives program for teachers and principals, reassess and address its in-service training capacity and needs, redetermine, realign and budget accordingly for those skills demanded of today's teachers of the homeless, the socially disoriented, the disadvantaged, the learning disabled, the average, as well as the gifted and talented. By these means the a,b,c's of public education will be stretched to include the "d" of the drug culture, the "e" of children of ex-offenders, the "m" of mediation, the "n" of non-violence, the "p" of pregnancy prevention, the "r" of conflict resolution, the "s" of sex education, and even the "x" of xenophobia, the unreasonable fear or hatred of foreigners or strangers, or of what is foreign or strange.

If there is a single most important operational need within the system it may well be the need to retain students through to the completion of their courses of study, the need to eradicate the dropout problem. It is a fact that initiatives have been instituted to identify and service students who are "at risk" of dropping out as well as students who have dropped out. Based on the report, A Study of students Who Left: D.C. Public Schools Dropouts, published October 1988,several critical issues were highlighted:

"Most (Dropout) students leave DCPS before ever reaching high school and reoccurring patterns of school leaving are found in their families;

Most students leave DCPS due to school failure and personal problems outside of school; many also leave due to feelings of alienation caused by the issuance of unrequested transfers to alternative and adult education programs, as well as suspensions and expulsions;

The majority of DCPS dropouts have been retained in grade, with more than one-half showing multiple retentions."

Unless the system stems the tide of dropouts, unless it instills in kindergartners the goal of completion of their education at least through graduation from the 12th grade, then the DCPS will never embody its own philosophy: that every child has an inherent right to an education which will enhance the development of maximum capability; that every child has the ability to learn; that every child has an inalienable right to the tools which facilitate the achievement of personal goals and the fulfillment of obligations to society; and that the public school system is pledged to meeting the challenge of providing a comprehensive educational program, responsible to the needs of students.

Finally, one problem area exists which overlaps both the operational and capital budgets. That problem might be termed the "Facilities and Maintenance Treadmill." Simply stated, school buildings overall are in deplorable condition. Although recently there have been improvements in roof conditions, years of neglect, maintenance by crises, and assigning to operational costs a priority over maintenance needs, has resulted in an alarming backlog of buildings with repair requests for falling plaster, broken windows, and missing fire or classroom doors. It was noted in a recent article in the "Washington Post" that "Much of the repair work is caused by the one-two punch of weather and age to city schools..." and that "parent activists, arguing that decrepit buildings disrupt learning and reduce student enthusiasm for schools, say repair delays have become one of the worst problems facing the school system."

Whereas the office responsible for maintenance and repairs as well as major capital projects has been reorganized and new management techniques have been initiated, the fact is that the system lives daily with the ghost of neglects past and that if budgetary resources during the next five years are not substantially increased over the average budget of the past five years, this system is likely to enter the 21st century with most of the same facilities problems. Routine repairs and emergency conditions as well as regular preventative maintenance must occur on a regular, routine basis. This approach will aid in closing the gap between major problems resulting from years of deferred maintenance and those areas requiring regular routine maintenance. Deterioration, accelerated by the age of many buildings, the wear and tear normal to active students and delayed maintenance causes exponential cost increases. Additionally, the system frequently receives grants for new instructional programs (and this is heralded) but rarely, if ever, do these grants fund physical improvements or accommodations essential to the conduct of the program, such as electrical circuitry for high technology hardware. Such funding must be provided from the operating budget at the expense of some other needed line item.

Education does not occur in a vacuum; therefore, DCPS students must be afforded learning environs which, in the least, do not detract from the learning process and, ideally, compliment teaching. This will occur only when school policy makers, planners and administrators are supported by commensurate fiscal authority.

EDUCATION - SOCIETY'S ANSWER

Insight regarding the importance of education demonstrates an understanding of a key solution to many of the serious problems facing this nation and city: drugs, homelessness and poverty. Unfortunately, education has taken a back seat while our young seek a quick route to money and "success". It must become a conviction by all that the time is now to rekindle the belief that education is and must be a high priority in our society. During this time when the family unit is declining, something must take its place. The schools must be available to offset that deficiency. The DPCS has performed well in a difficult situation. In order to continue to have and to increase its successes, education must become a priority in this city; budget stability for the system is essential and involvement by the private sector is desireable.

INTRODUCTION OF SCHOOL BOARD WITNESSES

Ms. **Cropp**. Thank you very much, Senator Adams, and let me say good afternoon or good morning to you. I would like to have my statement submitted for the record. I will summarize and also touch upon some of the points that you raised in your discussion a little bit.

I would also like to say, Mr. David Hall, our past president, who is with us, is our current vice president on the Board of Education and Dr. Patsy Blackshear is also with us at the table. In addition, there are two other members of the Board of Education present: Mr. Robert Boyd from ward 6 and Ms. Karen Shook, an at large member.

Senator **Adams**. If you wish them to join you at the table, it is entirely up to you, President Cropp, or they can remain in the audience, however——

Ms. **Cropp**. I think they are fine. I wanted to recognize their presence.

Senator **Adams**. Fine. Welcome. We are pleased that you are both with us at the hearing this morning.

Without objection, your statement will appear in full in the record as though given and you may proceed however you wish.

OPENING REMARKS OF LINDA CROPP, PRESIDENT OF BOARD OF EDUCATION

Ms. **Cropp**. Thank you very much, Mr. Chairman, and again, thank you for the opportunity to come before you.

Our budget submission this year is unique in its submission form, but it is crucial in need. We are asking for $512 million. The council of the District of Columbia, with the Mayor, passed a budget of $500 million.

We are coming to you for an additional $12 million to be placed in the school system's budget. This provides a unique opportunity for the school system to address some of the very crucial needs not only of our students, but also of the city as a whole.

Clearly, the school system can play a major part in the long-range solution to the problem of crime facing this city.

You had raised concerns with regard to the communications skills of our young people, to our facilities, and to computers. This budget does address these areas. In fact, what we would like to do with part of the additional $12 million that we are requesting from you is to increase our capacity to help our young people deal with computer skills through the Writing-to-Read Program.

This is a program that affords kindergarten students an opportunity to actually get on a computer, become literate with it, but in addition to that, we have kindergarten students actually writing and preparing stories. They go to the typewriter, the computer, and it has been very successful.

The D.C. school system piloted this program. Many other school systems are adopting it now because they see the success of it, and we are looking forward to having young people who come out of this program be very fluent with their different communication skills.

Senator **Adams**. Is this available in all of the schools?

Ms. Cropp. No; it is not and that is part of the request that we are making. It is currently in 57 of our schools. We would like to have it in every single elementary school so that all kindergarten students would have an opportunity to go through this program.

The budget we are requesting this year will allow us to complete one-half of the remaining schools. The request is $1.8 million for the Writing-to-Read Program.

Also, a computer literacy requirement was adopted by this school system many years ago. We were probably a forerunner in having requested that our students become computer literate prior to graduating from high school.

We clearly recognize that that is the language of the future. The young people in school now, those in the first grade, kindergarten, will be the first ones going into the 21st century. So we do have computer programs of some type in all of our schools.

We also have expanded our writing program in the school system. I would like to submit to you for the record a report, "A System in Need," within which we talk about a writing initiative in which we are having our young people write, just write, a basic skill, but a skill that is clearly needed.

Since the early 1980's, the Board of Education and the school system have acknowledged the need for an enhanced summer program and in that regard, the school system developed a summer school program that did not deal merely with remediation, but also with enrichment. This has been a very successful program with our young people, as we tried to not only expand their intellectual capacity, but also to give them wholesome activities during the summer.

Our budget request for an additional $12 million includes funding, in the amount of $1.5 million, that would help us to expand our summer school program and also keep our young people off the street.

In addition to that, as you talk about our young people and the outcome, the final product that we produce, what we have seen is that if we can give our students a basic strong foundation, then that will carry them through.

REDUCING PUPIL/TEACHER RATIOS

In that effort, the D.C. school system has been in the process of reducing our pupil/teacher ratio to 20 to 1, and we have done so in the kindergarten, first, and second grade levels. This year's budget will lower the pupil/teacher ratio at the third grade level, but also in our request for an additional $12 million is the $1.8 million necessary to also lower this ratio at the fourth grade level.

We have found that if we do not have intervention with our young people at an early age, by the time they reach junior high school and senior high school, it is too late.

Those young people who may be at risk may have already gone too far. So our thrust is to try to capture them prior to their reaching that level. Also, studies indicate that not only in the District of Columbia, but also nationally, there is a dive in most students at the third grade level.

Therefore, we really would like to have our pupil/teacher ratio reduced on that fourth grade level so that we can have an impact and change that curve.

FUNDS NEEDED FOR BUILDING MAINTENANCE

Our facilities that you mentioned certainly have been a problem to us in that since the 1960's/1970's, when we saw a retrenchment of funding for the school system, a decision had to be made in many instances as to whether the instructional program or our maintenance and repair program would be cut.

Ofttimes the instructional program was strengthened or left intact, but what the school system saw as a result of that was the continued deterioration of our facilities.

The majority of facilities in the D.C. public school system are old. And, being old, they need an awful lot of repair.

In 1986, the Board of Education and the superintendent realized the conditions that our physical plants were in. We directed many of our budget needs along those lines and, in fact, our presentation to the City Council and to the Mayor depicted the story. We even took pictures to show the conditions of our schools.

At that time, the City Council and the Mayor gave us an $11 million infusion, but it was a one-time infusion into our budget. We were able to accomplish many things with that money, but we need about $150 million more in order to bring our buildings up to the shape—up to a good condition.

We would like to see an infusion of about $11 million a year for the next few years so that we can address many of the problems that we are facing with our facilities now.

We have, under the constraints that we are in, developed special teams that will address some of the problems that we have, but even though we may plug up one hole in the dam, two more may appear. I will ask the superintendent, as he talks, to talk a little more about the program that we are initiating in buildings and grounds with regard to our repairs.

REDUCING THE PUPIL/COUNSELOR RATIO

I would also like to highlight a couple of other areas that are of great importance which are included in the additional $12 million. We feel very strongly that we need to reduce the pupil/counselor ratio for our school counselors.

Our young people are impacted by many problems in society today, and we need to have someone who can help them work through those problems. To do so we are requesting an additional $655,000 for school counselors.

INCREASE FOR BILINGUAL EDUCATION PROGRAM

We are also faced with another problem, a growing bilingual population in our school system. Last year alone we had over 500 bilingual individuals come into the school system. Many of them are coming into the school system not literate in English, but also, not literate in their native language and we are requesting $883,000 to address that problem. Funding for bilingual education is included not only in this additional budget of $12 million, but also in our $500 million mark because these students represent a very rapidly growing population with very special needs, and if we do not get a handle on them soon, of course, they will become part of the problem that we see in society as a whole with our young people.

I am going to conclude and let you ask any questions, and, also, I would like for the superintendent to have an opportunity to talk.

CLOSING REMARKS OF LINDA CROPP

But I am going to conclude by sharing with you an article that I read not too long ago which talked about the family unit breaking down. It talked about the youth in society and how the youth needed support and that the solution to the problems that they saw was education. And, of course, I had a smile and all, but as I read on, what really peaked my interest was that the year was 1988 that they talked about the need to strengthen the education program. It was like deja vu; it is the same situation now.

Education can very well be the answer to many of the other problems that we face today. As I sat here and listened to the courts give their testimony, I thought, if we could have a positive impact in many of the areas prior to the time when young people get to that level of the criminal justice system, it certainly would have a good impact.

We are attempting to bring the whole community in line with the thought that education is important whether or not you have a child in this school system because what we do in the school system impacts on society in the long run whether a young person becomes a doctor, a shoe clerk, no matter what, he or she had to go through some type of school system.

We would like for everyone to look at education as a way that we can help to solve some of these other problems that are impacting on us.

Senator ADAMS. Thank you very much, Mrs. Cropp.

Dr. Jenkins?

OPENING STATEMENT OF ANDREW JENKINS, SUPERINTENDENT OF SCHOOLS

Dr. JENKINS. Senator, I would prefer to read my statement into the record.

Senator ADAMS. All right.

Dr. JENKINS. Good morning, Senator Adams, and members of the subcommittee. For the record, I am Andrew Jenkins, superintendent of the D.C. public schools.

I am pleased to appear before you today in support of the school system's fiscal year 1989 supplemental and fiscal year 1990 budget request.

Before addressing these budget requests and explaining our needs for increases in fiscal year 1990, I would like to speak briefly of the accomplishments that we have achieved with our fiscal year 1989 budget funding, despite the inadequacies of these resources and the obstacles that we have faced in our effort to move our school system forward.

Mrs. Cropp has already provided you with a broad overview of our recent progress and problems. However, I wish to relate more specifically how we utilized our fiscal year 1989 funding in an attempt to confront and overcome these impediments.

As Mrs. Cropp has indicated, due to budgetary constraints, the school system has been unable to institute many new physical and programmatic improvements in fiscal year 1989 or even to maintain all existing programs and services.

Still, despite our inadequate resources, we have managed to continue implementation of several recently established initiatives during this fiscal year.

Improved mathematics and science instruction is a high priority in the D.C. public schools. Therefore, the school system has maintained its support of three efforts designed to effect such improvement: a mathematics/science center for professional development, which is located at Backus Junior High School; a special mathematics and science program for elementary students; and a student engineering program, Metcon, which serves 640 students.

Moreover, at the elementary level, we have continued to implement the Emergent Literacy Program, an initiative which provides early language development experience at the kindergarten and prekindergarten levels. Additionally, in an effort to enhance the teaching of the competency based curriculum at the secondary level, we have continued our utilization of Microworks, a comprehensive curriculum software package developed by the D.C. public schools in partnership with the Institute for Scientific Information.

In the area of safety and security, the school system has continued to perform nationwide criminal background checks on all new employees and current employees selected for promotions.

We have also hired 19 additional security aides and have redeployed all existing security resources to ensure maximum protection at the senior and junior high school levels, and also, at selected elementary schools. In addition, we are using magnetometers at extracurricular events involving large numbers of students, and will soon move to effectuating random searches using magnetometers in school buildings during ingress of students.

REORGANIZATION OF SCHOOL SYSTEM

Perhaps most significantly, we have reorganized our school system in an effort to enhance the operation of the D.C. public schools. Just a few aspects of reorganization which impact directly on our fiscal year 1990 budget request are as follows:

A new Educational Accountability and Planning Division, reporting directly to the superintendent, has been established to enhance long-range planning decisions and to provide quality assurance in the delivery of educational and management services;

An Office of the Inspector General has been created in an effort to assure the public of the integrity of the school system; and

Parental involvement and attendance improvement units have been established to ensure the high visibility of school systemwide efforts.

In short, although we have continuing needs in a number of areas, our fiscal year 1989 budget has enabled us to maintain our recently established school improvement initiatives and to implement a systemwide reorganization designed to increase the efficiency and the effectiveness of the D.C. public schools.

Moreover, in another effort to improve school system operations, we have asked the Federal City Council, a nonprofit, nonpartisan organization, to perform an independent assessment of the D.C. public schools.

This will assist us in developing a long-range comprehensive strategy for improving public education in the District of Columbia.

Still, we are not content to merely sustain our past achievements and to study how to improve the school system. Rather, we know that we must forge ahead to new accomplishments to enhance student achievement and success.

We also know that such progress will not be easy. As Mrs. Cropp has pointed out, and as you already know, the obstacles which we face in our effort to move forward seem almost insurmountable.

At the present time, for example, over 42 percent of our students leave school before graduation. The condition of our school buildings, moreover, is no more encouraging than this statistic regarding our student population.

NEED FOR EXTENSIVE REPAIR OF SCHOOL BUILDINGS

Rather, the fact is that our buildings are for the most part aging structures badly in need of substantial repair and extensive ongoing maintenance.

Furthermore, as Mrs. Cropp has also pointed out, the resources with which we are asked to confront these formidable problems are grossly inadequate. Our current budget for badly needed custodial supplies and materials for instance, is over $600,000 below our current expenditures in this area.

Moreover, although we need to spend at least $15 million annually in resources essential to the upkeep and maintenance of our aging buildings, we have only $11 million in our base budget for this purpose.

REQUESTING AN INCREASE IN THE FEDERAL PAYMENT

It is for these reasons that we come before you this morning to request that you increase the Federal payment to the District of Columbia by $11.8 million and direct that these additional moneys be used for full funding of the school system's fiscal year 1990 budget request of $512.4 million.

In an effort to show you why appropriating these moneys would be a wise decision, I would like to take a moment to outline how we would use the $11.8 million not included in our budget mark approved by the Mayor and the council, were you to appropriate these additional funds for the school system.

We believe that personal attention is a necessary prerequisite to student success and concomitantly to students staying in school.

Therefore, we would use part of any additional funds provided by the Congress to lower our pupil/teacher ratio to 20 to 1 at the fourth grade level, also to reduce our counselor/student ratio at the secondary level and to hire full-time aides for our prekindergarten classes.

Further, we would utilize part of any supplemental funds remaining to improve our instructional program in an effort to make school attendance more attractive to all of our students.

Specifically, we would enhance our special education programs and expand our Mentor-Teacher and Writing-to-Read Programs.

Additionally, because we believe now with drugs and violence rampant in the District of Columbia, the school system must do more than simply educate students during regular school hours. We would use a portion of any such money to improve our athletic program and to expand our summer school offerings.

We would also expand our efforts to implement the Writing to Read Early Intervention Program for our primary students.

Only through your approval of our full budget request will we be able of effecting these much needed improvements. If you support the Mayor's and council's mark of $500.6 million for the school system, we will be unable to enhance the services provided to an ever increasing number of special education bilingual students or to make crucial improvements in our athletic program.

In fact, approval of the Mayor's and council's proposed budget for the D.C. schools will necessitate the severe curtailment of our highly successful summer school program.

In short, your endorsement of the Mayor's and council's proposed budget for the school system will leave us once again unable to maintain the progressive pace that we have established in prior fiscal years.

As Mrs. Cropp indicated, the Mayor himself has recognized our need for additional funding and has explicitly endorsed an increase in the Federal payment to be given to the D.C. public schools. We hope that you too will acknowledge our need for increased resources by appropriating additional moneys for our school system.

We cannot, we must not allow the education of our young people to take second priority. I believe very strongly that we can be the best school system in this Nation. The realities are, however, that we cannot provide the quality education our children deserve without necessary resources.

PREPARED STATEMENT OF ANDREW JENKINS

Let me thank you for the opportunity to testify today. I will be happy to respond to any questions that you might have.

[The statement follows:]

STATEMENT OF ANDREW E. JENKINS III

GOOD AFTERNOON, SENATOR ADAMS AND MEMBERS OF THE SUBCOMMITTEE. FOR THE RECORD, I AM ANDREW JENKINS, SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS. I AM PLEASED TO APPEAR BEFORE YOU TODAY IN SUPPORT OF THE SCHOOL SYSTEM'S FY 1989 SUPPLEMENTAL AND FY 1990 BUDGET REQUESTS.

BEFORE ADDRESSING THESE BUDGET REQUESTS AND EXPLAINING OUR NEED FOR INCREASES IN FY 1990, I WOULD LIKE TO SPEAK BRIEFLY OF THE ACCOMPLISHMENTS THAT WE HAVE ACHIEVED WITH OUR FY 1989 BUDGET FUNDING, DESPITE THE INADEQUACY OF THESE RESOURCES AND THE OBSTACLES THAT WE HAVE FACED IN OUR EFFORT TO MOVE OUR SCHOOL SYSTEM FORWARD. MRS. CROPP HAS ALREADY PROVIDED YOU WITH A BROAD OVERVIEW OF OUR RECENT PROGRESS AND PROBLEMS. HOWEVER, I WISH TO RELATE, MORE SPECIFICALLY, HOW WE UTILIZED OUR FY 1989 FUNDING IN AN ATTEMPT TO CONFRONT AND OVERCOME THESE IMPEDIMENTS.

AS MRS. CROPP HAS INDICATED, DUE TO BUDGETARY CONSTRAINTS, THE SCHOOL SYSTEM HAS BEEN UNABLE TO INSTITUTE MANY NEW PHYSICAL OR PROGRAMMATIC IMPROVEMENTS IN FY 1989 OR EVEN TO MAINTAIN ALL EXISTING PROGRAMS AND SERVICES. STILL, DESPITE OUR INADEQUATE RESOURCES, WE HAVE MANAGED TO CONTINUE IMPLEMENTATION OF SEVERAL RECENTLY-ESTABLISHED INITIATIVES DURING THIS FISCAL YEAR.

IMPROVED MATHEMATICS AND SCIENCE INSTRUCTION IS A HIGH PRIORITY OF THE D.C. PUBLIC SCHOOLS. THEREFORE, THE SCHOOL SYSTEM HAS MAINTAINED ITS SUPPORT OF THREE EFFORTS DESIGNED TO EFFECT SUCH IMPROVEMENT: A MATHEMATICS/SCIENCE CENTER FOR PROFESSIONAL-DEVELOPMENT LOCATED IN BACKUS JUNIOR HIGH SCHOOL; A SPECIAL MATHEMATICS AND SCIENCE PROGRAM FOR ELEMENTARY STUDENTS; AND A STUDENT ENGINEERING PROGRAM, METCON, SERVING 640 PARTICIPANTS.

MOREOVER, AT THE ELEMENTARY LEVEL, WE HAVE CONTINUED TO IMPLEMENT THE EMERGENT LITERACY PROGRAM, AN INITIATIVE WHICH PROVIDES EARLY LANGUAGE DEVELOPMENT EXPERIENCES AT THE KINDERGARTEN AND PREKINDERGARTEN LEVELS. ADDITIONALLY, IN AN EFFORT TO ENHANCE THE TEACHING OF THE COMPETENCY-BASED CURRICULUM AT THE SECONDARY SCHOOL LEVEL, WE HAVE CONTINUED OUR UTILIZATION OF MICROWORKS, A COMPREHENSIVE CURRICULUM SOFTWARE PACKAGE DEVELOPED BY THE D.C. PUBLIC SCHOOLS IN PARTNERSHIP WITH THE INSTITUTE FOR SCIENTIFIC INFORMATION.

IN THE AREA OF SAFETY AND SECURITY, THE SCHOOL SYSTEM HAS CONTINUED TO PERFORM NATIONWIDE CRIMINAL BACKGROUND CHECKS ON ALL NEW EMPLOYEES AND CURRENT EMPLOYEES SELECTED FOR PROMOTION. WE HAVE ALSO HIRED NINETEEN ADDITIONAL SECURITY AIDES AND HAVE RE-DEPLOYED ALL EXISTING SECURITY RESOURCES TO ENSURE MAXIMUM PROTECTION AT SENIOR AND JUNIOR HIGH SCHOOLS AND SELECTED ELEMENTARY SCHOOLS. IN ADDITION, WE ARE USING MAGNETOMETERS AT EXTRACURRICULAR EVENTS INVOLVING LARGE NUMBERS OF STUDENTS AND WILL SOON MOVE TO EFFECTUATING RANDOM SEARCHES, USING MAGNETOMETERS, IN SCHOOL BUILDINGS DURING INGRESS OF STUDENTS.

PERHAPS MOST SIGNIFICANTLY, WE HAVE REORGANIZED OUR SCHOOL SYSTEM IN AN EFFORT TO ENHANCE THE OPERATION OF THE D.C. PUBLIC SCHOOLS. JUST A FEW ASPECTS OF THE REORGANIZATION WHICH IMPACT DIRECTLY ON OUR FY 1990 BUDGET REQUEST ARE:

- A NEW EDUCATIONAL ACCOUNTABILITY AND PLANNING DIVISION, REPORTING DIRECTLY TO THE SUPERINTENDENT, HAS BEEN ESTABLISHED TO ENHANCE LONG-RANGE PLANNING DECISIONS AND TO PROVIDE QUALITY ASSURANCE IN THE DELIVERY OF EDUCATIONAL AND MANAGEMENT SERVICES;

- AN OFFICE OF THE INSPECTOR GENERAL HAS BEEN CREATED IN AN EFFORT TO ASSURE THE PUBLIC OF THE INTEGRITY OF SCHOOL SYSTEM OPERATIONS; AND

- PARENTAL INVOLVEMENT AND ATTENDANCE IMPROVEMENT UNITS HAVE BEEN ESTABLISHED TO ENSURE THE HIGH VISIBILITY OF SCHOOL SYSTEM-WIDE EFFORTS.

IN SHORT, ALTHOUGH WE HAVE CONTNUING NEEDS IN A NUMBER OF AREAS, OUR FY 1989 BUDGET HAS ENABLED US TO MAINTAIN OUR RECENTLY-ESTABLISHED SCHOOL IMPROVEMENT INITIATIVES AND TO IMPLEMENT A SYSTEM-WIDE REORGANIZATION DESIGNED TO INCREASE THE EFFICIENCY AND EFFECTIVENESS OF THE D.C. PUBLIC SCHOOLS. MOREOVER, IN ANOTHER EFFORT TO IMPROVE SCHOOL SYSTEM OPERATIONS, WE HAVE ASKED THE FEDERAL CITY COUNCIL, A NON-PROFIT AND NON-PARTISAN ORGANIZATION, TO PERFORM AN INDEPENDENT ASSESSMENT OF THE D.C. PUBLIC SCHOOLS. THIS WOULD ASSIST US IN DEVELOPING A LONG-TERM COMPREHENSIVE STRATEGY FOR IMPROVING PUBLIC EDUCATION IN THE DISTRICT OF COLUMBIA.

STILL, WE ARE NOT CONTENT TO MERELY SUSTAIN OUR PAST ACHIEVEMENTS AND TO STUDY HOW TO IMPROVE THE SCHOOL SYSTEM. RATHER, WE KNOW THAT WE MUST FORGE AHEAD TO NEW ACCOMPLISHMENTS TO ENHANCE STUDENT ACHIEVEMENT AND SUCCESS. WE ALSO KNOW THAT SUCH PROGRESS WILL NOT BE EASY. AS MRS. CROPP HAS POINTED OUT, AND AS YOU ALREADY KNOW, THE OBSTACLES WHICH WE FACE IN OUR EFFORT TO MOVE FORWARD SEEM ALMOST INSURMOUNTABLE.

AT THE PRESENT TIME, FOR EXAMPLE, OVER 42% OF OUR STUDENTS LEAVE SCHOOL BEFORE GRADUATION. THE CONDITION OF OUR SCHOOL BUILDINGS, MOREOVER, IS NO MORE ENCOURAGING THAN THIS STATISTIC REGARDING OUR STUDENT POPULATION. RATHER, THE FACT IS THAT OUR BUILDINGS ARE, FOR THE MOST PART, AGING STRUCTURES (THE AVERAGE AGE OF WHICH EXCEEDS 52 YEARS) BADLY IN NEED OF SUBSTANTIAL REPAIR AND EXTENSIVE ON-GOING MAINTENANCE.

FURTHERMORE, AS MRS. CROPP ALSO POINTED OUT, THE RESOURCES WITH WHICH WE ARE ASKED TO CONFRONT THESE FORMIDABLE PROBLEMS ARE GROSSLY INADEQUATE. OUR CURRENT BUDGET FOR BADLY-NEEDED CUSTODIAL SUPPLIES AND MATERIALS, FOR INSTANCE, IS OVER $600,000 BELOW OUR CURRENT EXPENDITURES IN THIS AREA. MOREOVER, ALTHOUGH WE NEED TO SPEND AT LEAST $15 MILLION ANNUALLY IN RESOURCES ESSENTIAL TO THE UPKEEP AND MAINTENANCE OF OUR AGING BUILDINGS, WE HAVE ONLY $11 MILLION IN OUR BASE BUDGET FOR THIS PURPOSE.

IT IS FOR THESE REASONS THAT WE COME BEFORE YOU THIS MORNING TO REQUEST THAT YOU INCREASE THE FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA BY $11.8 MILLION AND DIRECT THAT THESE ADDITIONAL MONIES BE USED FOR FULL FUNDING OF THE SCHOOL SYSTEM'S FY 1990 BUDGET REQUEST OF $512.4 MILLION. IN AN EFFORT TO SHOW YOU WHY APPROPRIATING THESE MONIES WOULD BE A WISE DECISION, I WOULD LIKE TO TAKE A MOMENT TO OUTLINE HOW WE WOULD USE THE $11.8 MILLION, NOT INCLUDED IN OUR BUDGET MARK APPROVED BY THE MAYOR AND THE COUNCIL, WERE YOU TO APPROPRIATE THESE ADDITIONAL FUNDS FOR THE SCHOOL SYSTEM.

WE BELIEVE THAT PERSONAL ATTENTION IS A NECESSARY PREREQUISITE TO STUDENT SUCCESS AND, CONCOMITANTLY, TO STUDENTS' STAYING IN SCHOOL. THEREFORE, WE WOULD USE PART OF ANY ADDITIONAL FUNDS PROVIDED BY THE CONGRESS TO LOWER OUR PUPIL/TEACHER RATIO TO 20-1 AT THE FOURTH GRADE LEVEL, TO REDUCE OUR COUNSELOR-STUDENT RATIO AT THE SECONDARY LEVEL AND TO HIRE FULL-TIME AIDES FOR OUR PREKINDERGARTEN CLASSES.

FURTHERMORE, WE WOULD UTILIZE PART OF ANY SUPPLEMENTAL FUNDING TO IMPROVE OUR INSTRUCTIONAL PROGRAM IN AN EFFORT TO MAKE SCHOOL ATTENDANCE MORE ATTRACTIVE TO ALL OUR STUDENTS. SPECIFICALLY, WE WOULD ENHANCE OUR SPECIAL EDUCATION PROGRAMS AND EXPAND OUR MENTOR-TEACHER AND WRITING-TO-READ PROGRAMS.

ADDITIONALLY, BECAUSE WE REALIZE THAT NOW, WITH DRUGS AND VIOLENCE RAMPANT IN THE DISTRICT OF COLUMBIA, THE SCHOOL SYSTEM MUST DO MORE THAN SIMPLY EDUCATE STUDENTS DURING REGULAR SCHOOL HOURS, WE WOULD USE A PORTION OF ANY SUCH ADDITIONAL MONEY TO IMPROVE OUR ATHLETIC PROGRAM AND TO EXPAND OUR SUMMER SCHOOL COURSE OFFERINGS. WE WOULD ALSO EXPAND OUR EFFORTS TO IMPLEMENT THE WRITING-TO-READ EARLY INTERVENTION PROGRAM FOR PRIMARY LEVEL STUDENTS.

ONLY THROUGH YOUR APPROVAL OF OUR FULL BUDGET REQUEST WILL WE BE CAPABLE OF EFFECTING THESE MUCH-NEEDED IMPROVEMENTS. IF YOU SUPPORT THE MAYOR'S AND COUNCIL'S BUDGET MARK OF $500.6 MILLION FOR THE SCHOOL SYSTEM, WE WILL BE UNABLE TO ENHANCE THE SERVICES PROVIDED TO AN EVER-INCREASING NUMBER OF SPECIAL EDUCATION BILINGUAL STUDENTS OR TO MAKE CRUCIAL IMPROVEMENTS IN OUR ATHLETIC PROGRAM. IN FACT, APPROVAL OF THE MAYOR'S AND COUNCIL'S PROPOSED BUDGET FOR THE D.C. PUBLIC SCHOOLS WILL NECESSITATE THE SEVERE CURTAILMENT OF OUR HIGHLY SUCCESSFUL SUMMER SCHOOL PROGRAM. IN SHORT, YOUR ENDORSEMENT OF THE MAYOR'S AND COUNCIL'S PROPOSED BUDGET FOR THE SCHOOL SYSTEM WILL LEAVE US ONCE AGAIN UNABLE TO MAINTAIN THE PROGRESSIVE PACE THAT WE ESTABLISHED IN PRIOR FISCAL YEARS.

AS MRS. CROPP INDICATED, THE MAYOR HIMSELF HAS RECOGNIZED OUR NEED FOR ADDITIONAL FUNDING AND HAS EXPLICITLY ENDORSED AN INCREASE IN THE FEDERAL PAYMENT TO BE GIVEN TO THE D.C. PUBLIC SCHOOLS. WE HOPE THAT YOU, TOO, WILL ACKNOWLEDGE OUR NEED FOR INCREASED RESOURCES BY APPROPRIATING ADDITIONAL MONIES FOR OUR SCHOOL SYSTEM.

WE CAN NOT, WE MUST NOT ALLOW THE EDUCATION OF OUR YOUNG PEOPLE TO TAKE SECOND PRIORITY. I BELIEVE VERY STRONGLY THAT WE CAN BE THE BEST SCHOOL SYSTEM IN THIS NATION. THE REALITIES ARE, HOWEVER, THAT WE CAN NOT PROVIDE THE QUALITY EDUCATION OUR CHILDREN DESERVE WITHOUT NECESSARY RESOURCES. THANK YOU FOR THE OPPORTUNITY TO TESTIFY TODAY. I WILL BE HAPPY TO RESPOND TO ANY QUESTIONS YOU MIGHT HAVE.

RATIO OF ADMINISTRATIVE STAFF/STUDENT RATIO

Senator **Adams**. Thank you very much.

Mr. Hall, did you have a separate statement, or do you want me to question now the——

Mr. **Hall**. No; Mr. Chairman, I would prefer to respond to your questions.

Senator **Adams**. All right. What is the D.C. public school administrative staff teacher ratio compared to the other urban school districts in the area?

I am going to ask you these questions because these have been asked repeatedly by members of the committee that we spend more per pupil here, and I am repeating what has been stated, and that our ratio of teachers to students is better than in the surrounding areas and the national average. I am asking for information.

Dr. **Jenkins**. Senator Adams, let me answer your question in this manner, and the question went to the ratio of our administrative staff to our students.

Certainly we do acknowledge the fact that our administrative staff is heavy. And I say that with the understanding that the superintendent undertook a reorganization this school year. The reorganization was to be done in two phases.

The first part of reorganization was an administrative structural reorganization that aligned or realigned certain specific offices. However, I had informed the Board of Education early on that the second part of reorganization would be the administrative downsizing of the central administration staff.

Consequently, we have undertaken to request of the Board of Education and the City Council an early out retirement plan for a targeted group of our administrators, not those individuals who are involved with the local school. So it is a very targeted group.

Further, as we move toward the end of our school year, we will continue the downsizing in terms of reducing the central administrative staff and costs so that we will be appropriately realigned.

INSTRUCTION FOR CHILDREN LIVING IN HOMELESS SHELTERS

Senator **Adams**. Dr. Jenkins, last summer you provided summer school programs for the homeless children living in shelters. Will you provide those same services for the children this year?

Dr. **Jenkins**. That is correct. We will provide services to homeless children. In fact, in our fiscal year 1990 budget we are asking for moneys to have intervention teams that would be stationed permanently at the shelter sites, and these intervention teams would be composed of counselors, teachers, social workers, and psychologists.

We do recognize a very severe problem in having those young people who are so unfortunate as to be housed in shelters to come to school. And, therefore, we do see some benefits in providing them with an intervention team.

We expect approximately 200 children ages 3 through 6 to attend our summer school activities.

DECLINE IN PUPIL ENROLLMENT

Senator ADAMS. Now it is my understanding that the number of students in the District's school system has dropped from somewhere around 162,000 10 to 15 years ago, to about 88,000 now. Is that correct, Mrs. Cropp?

Mrs. CROPP. That is correct, Mr. Chairman.

CLOSING UNUSED AND UNDERUTILIZED SCHOOL BUILDINGS

Senator ADAMS. Now is there an active program to sell off and utilize the properties of those schools that are no longer needed in order to assist you in refurbishing and redoing and if necessary repurchasing school properties for the remaining students that are here?

Mrs. CROPP. Mr. Chairman, when we lost the majority of those students, the school board had already taken action to close schools. We have over the past 10, 15 years closed 8 to 10 different schools.

Also, in closing those schools, they have already turned them back over to the city government. So we do not currently have many buildings that would be available for closing at this time in the school system.

We are also in the process, as our budget would reflect, of reducing of the pupil/teacher ratio. We started this a couple of years ago. And as we reduced our pupil/teacher ratio, the actual space that we had in our schools was not as large as it had been in the past.

In fact, we have found ourselves in a unique situation in that in certain schools we do not have enough space. We have even had to add a demountable. I believe Murch—I am trying to remember if one of your children attended Murch—is one of these schools.

Senator ADAMS. Murch has a portable there.

Mrs. CROPP. Yes; and that is an indication that we do not have a lot of space in our schools. Part of this is due to the reduction in the pupil/teacher ratio. However, we do have one or two schools that we will be looking at, and maybe a few more, that we will be looking at to see if, in fact, we can close them.

The school system has approached it in a different way than to sell these buildings.

Senator ADAMS. I was just trying to make the recommendation, and you have a considerable building program requirement and you have no moneys available, that to make moneys available so that they did not just automatically go back into a general fund and then not receive that back when you have a very severe problem in the actual housing of your students.

SCHOOL SYSTEM'S LEASING PROGRAM

Mrs. CROPP. We have a leasing program. With that leasing program, when we have schools where we may have space, we lease them out. However, that very same school may not be available for out-and-out sale because we still have students in that particular building.

I would like to ask Mr. Hall if he would also address that and our leasing program.

Mr. **Hall**. Thank you.

Mr. Chairman, several years ago we asked the D.C. City Council for the authority to lease properties which the Board of Education had determined had fallen below the level of daily attendance necessary to maintain a school operation.

When that occurred the building was not declared surplus because we found that through declaring a building surplus and turning it back over into the Department of Administrative Services in many cases the building would remain vacant, be vandalized, and thus become not only an eyesore to the community but a hazard.

So through the leasing program we began to lease buildings such as the Bundy Building, the Grimke Building, and the Randall Building. As we leased those buildings out, some were leased for government operations through the city government with the funds to come back to the school board. In some cases that has worked. In most cases we are having a little problem getting our payments in from other areas of the government.

But the leasing program allows us to utilize the building so that if the population trend were to change, the board would not have to build a new building. The board would reclaim an existing building, if necessary, and resume educational operations there if necessary.

The funds which come in from private organizations that lease go back into the Division of Buildings and Grounds to be used for building maintenance.

LOW TEST SCORES OF PUBLIC SCHOOL SYSTEM STUDENTS

Senator **Adams**. I have one final question and then I want to turn to Senator Kerrey for whatever questions he may have.

Discussing the City Council—and I have made an effort or attempted to make an effort during the last several months to talk with a number of the outside groups as well as citizens groups and so on about the situation we find ourselves in with the public schools. It goes to this basic question, and you can have any one of you address it and tell me what you think the answer is.

When we take testing of comprehensive basic skills in the D.C. school system, we find at grade 3 that they exceed the national norm by about 1 month. In other words they are in the 55 percentile.

By grade 6 they are at the national norm, which is about the 51st percentile. By grade 9 they are below the national norm by 8 months, which is the 41st percentile. And by grade 11, they are below the national norms by 2.1 years. In other words, they are in the 33rd percentile.

Now I am trying to update myself from experience I have had in the past where I had a senior in high school here at a very good high school in the District where they were reading senior English and Shakespeare. The teacher reading it—or the students reading it because students could not read.

The second part of that was that the particular teacher could not speak English in the sense of Shakesperian quality. Now that is a long time ago.

So I am not trying to say that is what is happening now, but I look at these test scores. Without skills we have this tremendous attractiveness to the drug trade, which we are trying to deal with in all kinds of ways that deal with law enforcement and all of those things. All of us know that it is a matter of if you are a young person, can you do something else? What will your life be? And we are not saying that any of us or all of us are going to become either an engineer, a millionaire or developer or anything else, but basic skills and those figures indicate to me we are losing people at the high school level and at the employment level.

Please comment on that in anyway that you wish. I am not saying that the District of Columbia is the only place in the United States that this happens, but it is fundamental in America. This is the Nation's Capital. It should be a model and this looks to me like we are not getting the job done.

Now I would be happy to hear your comments.

Mrs. **Cropp**. I am going to ask the superintendent if he will answer.

Dr. **Jenkins**. Certainly, I will be very pleased to comment, Senator. I do agree with you that our secondary school students are not progressing in terms of the norm reference test as we would want them to progress.

To remedy this situation we are undertaking a complete curriculum revision study. You know that we have the competency-based curriculum in place now. That curriculum, while it is a good curriculum, does not have enough emphasis on the analytical and critical thinking skills. And so we are moving into that area.

I think the improvement of instruction will also play a very key and significant part in our overall school reform efforts. And when I say improvement of instruction, I really mean everything inclusive of selecting teachers who come into the profession as very competent and efficient teachers, providing them with mentors to help them along, and also, providing them with extensive training and staff development.

We are also undertaking restructuring efforts. You have probably heard about some issues in education reform. They are referred to as site-based management, campus-based management, school-based management. It is a bottoms up approach in which there is shared decisionmaking among the administrative staff, the teaching staff, parents, and community in determining what is best for a particular school.

It gives principals, parents, and the community more authority in all of the various processes that go along with schooling at all levels. And so, I am encouraged by what we have been able to accomplish so far that has been associated with our restructuring or school-based management efforts.

Senator **Adams**. Well, I just would comment and add, it seems to me that a principal-based system rather than an administrative-based system at a distance has proven generally throughout the United States to be far more effective in producing both discipline and learning.

Senator Kerrey?

OPENING REMARKS OF SENATOR KERREY

Senator KERREY. Thank you, Mr. Chairman.

Dr. Jenkins, let me make it clear that I will support and will fight for the full appropriation that you have requested, the $14 million additional.

Dr. JENKINS. Thank you.

Senator KERREY. I would point out to you, I would fight for even more. I look at the statistics and numbers in the D.C. schools and I just can reach no other conclusion. To steal a terrific line of all people from George Will in this morning's Post, that will still have you spending less than Michael Milliken earned in 1987.

I look at the numbers and I have not visited the schools in the District of Columbia, but I visited a lot of schools in the State of Nebraska. And your numbers are to me just overwhelming. I mean they overwhelm me in my capacity to understand what we ought to be doing to turn things around; 88,000 students, 188 schools, 50 a year average age of buildings in the District.

By the way, I am very much aware that schools today and that the particular boards of education and superintendents are now charged with the operation of four or five almost independent businesses, not the least of which is trying to figure out how to maintain and operate buildings, not the least of which is trying to figure out how to maintain and operate the delivery of a food service operation, a printing operation, a transportation business inside these schools, as well as the delivery of a variety of social services are usually almost entirely dependent upon some politician having confronted something ugly in the world.

It seems to me that is well, but inside the D.C. schools there is even greater problems than perhaps we find anyplace else and the presence of 535 people who have been elected campaigning about the importance of education ought to provide us with an opportunity to do something.

Seventy-five percent of our students, as I understand it, are eligible for chapter 1. Ninety-seven percent minority school population, 40 percent dropout rate, and one of the schools that you cited in the background information that I read showed 15 out of 40 involved with some drug-related learning disability, 90 percent of the students with single parent head of household, by the way, increasing problem for all of our schools not just here in the District.

It seems to me that what we need to do not only as for politicians come prepared in the end to put some money on the line, not just words because it seems to me that we have demonstrated through the solving of the savings and loan problem the problem is not wallet. The problem is will. The problem is already going to advance beyond our impassioned concern for the education of our children by putting some of our money on the line.

But I also believe that we have got to do more than just set aside in the end our concern that, gee, we may have to go to our taxpayers and get some money. We have got to set aside practically every other thing that may stand in front of us.

You mentioned early retirement in response to a question from the Chair. There must be all kinds of other structural things that you need help to accomplish, all kinds of other structural things having to do with personnel, structural things having to do with your buildings, structural things having to do with any other aspect of education that could be identified as wasting money, could be identified as an effort not worthy of the task and I am very much aware in the budget process that there is two ways to accomplish things. One is sort of squeeze the money down so that people who were charged with the responsibility of getting something done can say, gee, I have got to do this because I have got less money. I hate to do it, but you are doing something you would like to do any way.

Or you can turn to politicians like myself and say, get us more money and I will also make the tough decisions inside on the administrative side, though I may need your support for that as well.

All I am merely doing in this little presentation to you is to offer myself as someone who is willing to do that. I would expect—not to want to get into the detail of your budget—I would expect as well to look for opportunities where your success can become successes for me and the people in the State of Nebraska where we can look in the process of solving problems here, I might learn to solve problems in my State.

NATIONAL LEARNING CENTER

One of those, I will tell you about the only one that I have to date, is the project called the National Learning Center that I understand has been requested inside of your budget.

I would just like to indicate my strong support for that, a relatively small amount of money. I know that there is some friction, as always, with competing interest, but I have looked at the application. I have gone to the site itself. It is something that I am going to encourage in the State of Nebraska as well. I think it has merit. I do not think it is incompatible with public education at all. I do not think it should be seen as a threat. I think it should be seen by someone who is in fact a strong supporter of public education and simply wants to try to fill and demonstrate what we can in fact accomplish.

Because in the end one of the things I think that torments individuals who want to improve schools is a decreasing belief that anything is possible, that anything will work. It reduces us to sort of go through the lines and find something that we can criticize so we can get a round of applause for being tough on budgets, or we look for opportunities to express our enthusiasm for this that or the other little program that is in there.

In the end, I must tell you, in private I have heard an awful lot of politicians just say, I am not sure anything can be done. And I think of all the things we face, we face a growing sense that the problem is unsolvable.

So it seems to me that what the short statement that I would make to you is, I ask you to help us show that in fact it is possible, that we can incrementally make a difference, that it will take money, that it will take will, that it will take a willingness to confront all kinds of things that may be sitting in front of us.

NEED TO DO THINGS MORE EFFICIENTLY AND EFFECTIVELY

Dr. **Jenkins**. I would just like to share this comment with you, Senator Kerrey. I know that resources and money are very much needed and I fully subscribe to that. However, I do realize the need for our school system and all other school districts to do things more effectively and efficiently.

One of the things that I have sought to do, as asked and requested by our Board of Education, is to conduct a needs assessment and a comprehensive evaluation of our entire school district.

We expect the findings and recommendations from that study to be presented sometime in June. That will indeed point out those areas where we can have a certain economies and savings, and it will recommend some things for us to do.

However, that is not to say that we are just sitting waiting for that report to be disseminated. We are working feverishly to make our school system more effective and efficient and accountable.

Indeed, I share with you the idea that all is not lost. I would hate to think that any of us would feel that there is nothing we can do.

I am sitting here today as superintendent because I honestly believe that there is something we can do, that we can turn the state of affairs around, and that this city, given the kind of dedicated people we have and with support from you and from our Board of Education and City Council, can indeed make this school system a model for the Nation.

I think that if we demonstrate that in an urban area such as Washington, DC, education can be successful, it will send a tremendous message to the rest of the Nation and that would be my commitment.

NEEDING VICTORIES IN SCHOOL SYSTEM

Senator **Kerrey**. Let me open up your comment a bit because—and I appreciate when I am done you would come back again at me because what I am looking for instead of just answers to specific line questions other than the one I have sort of put out there in a statement support. What I am looking for mostly is an exchange.

I do not want to suggest that the board is doing the wrong thing by asking for needs assessment. I mean I think that is good, do the needs assessment.

But what I am looking for are some victories. Secretary Cavazos's statement, I do not remember if it was last week or the week before last, I mean I just found altogether appalling.

The first three or four paragraphs of every statement essentially can be boiled down to, the game is over. We have lost. And a lot of us have been working awfully hard the last 3 years, fighting battles at the local level. And the Secretary said it has been off and not, we are losing ground.

It seems to me the Federal response has been essentially, you do it at the local level and if it gets some victories, if it is successful, we will take credit for it, and if you lose we will kick you around the block for trying.

And what we need are some victories, I mean some examples of human beings making progress, being given opportunity as a consequence not only of expenditures, but showing as well that there is a connection between expenditures.

I wrote Secretary Cavazos a letter and I said, "I suspect that when you were at Texas Tech you were not arguing for lower appropriations for Texas Tech so that you could the structural things that you needed to do in order to prove." At that school I suppose he was arguing for higher appropriations, which, of course, he was.

What we need though, I think, is to open it up a bit and see human beings. We look at numbers too much. We see—again, without taking away the need for a needs assessment, we see these reports and these statements all the time. What we need in addition to the statistics that cause us to say that we have got to get over our sense of maybe something cannot be done and rise to a call, in addition to that, we have got to see that we can make some progress, that we are in fact improving people's lives as a consequence of something that we are doing.

Dr. JENKINS. Well, let me say that I certainly agree with you that we need victories. And that is not to say that we do not have victories. I think we do have victories, but I think the issue is that we need more victories and we need more victors than we need losers.

And so we have a wide array of programs that have been successful, but then, on the other hand, we need more success. I am not going to give up or give in. My commitment is to turn things around. I do not come here saying that everything is perfect. We need improvement in certain areas, and it is my job to see to it that that improvement occurs.

I think that we have tremendous support now from business and industry and the corporate world. The fact of the matter is that education is everybody's business. It is not just the business of school people.

In the District of Columbia over 70 percent of the people who live here do not have children in the school system. However, to the extent that we have a good educational system in the city, it is going to mean the future viability of our city. And so I think that support from a wide variety of community agencies and groups and everybody participating and making education their business will help turn things around, and certainly I am committed to that.

GETTING THE BEST PEOPLE TO BE INVOLVED IN THE SCHOOL SYSTEM

Senator KERREY. Let me make a suggestion again. You know you are not only just fighting with us or asking us for some money, but there is a body of public opinion out there for whom it seems to me the battle is being fought as well.

And one of the things I would suggest that is not entirely inappropriate, in fact, I do not think it is inappropriate at all to consider, is to just let us take the standards that we in Congress have set during the recent debate over the pay raise and during the recent discussion, the continuing discussion of honoraria.

We say in order to survive in Washington, DC, where the cost of housing is high we need more than $89,500 a year. We need—

maybe to go to $132,000 or $135,000 is too much, but we need something and we talk about the high cost of living in Washington, DC, and how tough it is to survive on $89,500. That is the argument that we make. It is not universal, but it is an argument that is made.

Tell us what your budget would be if you applied that standard in your own work force. If I would go to the public and say essentially the same thing that an awful lot of us in Congress are doing. There has been a number of stories recently in the Washington Post talking about the difficulty that the Federal Government is having attracting people to operate our nuclear industry only being able to pay them $80,000 a year. It is not enough to compete for the best to operate our nuclear industry, something that is important for the security of the Nation. We cannot get the job done for $80,000.

What would happen with your budget if you came to public opinion and said, are your children as important as your nuclear industry? And if they are, accept the standard that you are accepting for the purpose of bringing in the best people to run your nuclear industry to bring the best people in to run our schools. What happens to this $500 million budget then? I suspect that it is tripled, that it is quadrupled, that it is 10 times for all I know what you are currently expending.

I mean I would fight in the arena of public opinion in that kind of way. You need not in short approach this committee or the Congress saying, "I have got to have $14 million more, otherwise I am not going to make it." Say to the Congress that in fact we are facing a crisis in education.

When I suspect a person can work in Washington, DC, and earn about as much money for four or five nights a week working in a restaurant as they can as a public school teacher. Now that may be an inappropriate thing to say during the negotiations over salaries, but there is a competition for people in the marketplace and we are the employers.

Congress employs school teachers as does every single citizen in the United States of America and it seems to me one of the things that we have to consider is what do we have to do to get the best people to come into education, not just the best people to come in to be Congress people, not just the best people to come in and run our nuclear industry, but what does it take to get the best people to come in and run our schools?

Dr. JENKINS. I find your comments, Senator, very enlightening and very instructive. And I will fight in the arena of public opinion.

It is quite true that even in relation to our surrounding jurisdictions, with which we compete for the best teachers and the best administrators, our salary structure is not as competitive as it should be, and that is a known fact.

And so, I thank you very much for that guidance.

CLOSING REMARKS OF SENATOR BROCK ADAMS

Senator ADAMS. Thank you, Senator Kerrey, for an excellent statement.

We appreciate very much all of you appearing this morning to testify.

The committee is completing its hearings on the various agencies within the government so that we can present these as part of the total Federal budget.

I am dismayed, Senator Kerrey, about salaries. My son is a school teacher and is trying to think of some way to do something else so that he can survive in this world of imbalance in salaries.

I am concerned, and I will close with this, about the percentage of students that attend the public schools and Washington, DC, and this again is a trend that occurs throughout a lot of the Nation. I am concerned about the public schools generally. I am glad Senator Kerrey said what he did that we have to have pride in them and we have to use a lot of role models and abilities to show that it is worthwhile to both have an education to go through the schools.

I was dismayed many years ago when we were required to stop, for example, the athletic contests between the private and the public schools, simply because I felt that the role models that could be created by the athletic system was one more way of lifting the whole concept of being in school was not just a terrifying experience. Particularly, more terrifying experience, as I have cited from these statistics, as you get farther and farther along in the school system.

We wish you all well. We will do what we can with your request. Thank you all for appearing. I appreciate the other members of the school board appearing this morning.

SUBCOMMITTEE RECESS

The subcommittee will stand in recess subject to the call of the Chair.

[Whereupon, at 12:10 p.m, Thursday, May 18, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1990

WEDNESDAY, JULY 19, 1989

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 12 noon, in joint session with the House subcommittee in room H-301, the Capitol, Hon. Julian C. Dixon (chairman) presiding.

Present: Representatives Dixon, Carr, Gallo, Green, Regula, and Senator Adams.

NONDEPARTMENTAL WITNESSES

CRIME DETERRENCE AND FISCAL INCENTIVES

STATEMENT OF HON. LARKIN I. SMITH, U.S. REPRESENTATIVE FROM MISSISSIPPI

Mr. DIXON. The committee will come to order.

Each year we set aside an afternoon to hear from Members of Congress and representatives of civic organizations as well as residents who have requested an opportunity to appear before the committee concerning the District government's budget.

We have 25 or so individual witnesses on the schedule including two Members of Congress.

This year we are running a little late in holding these hearings, and in order to provide an opportunity to those Members, organizations, and residents who are interested in testifying before both the House and the Senate, we are joined here today by our colleagues from the Senate.

Senator Brock Adams from the State of Washington is chairman of the Senate Subcommittee on D.C. Appropriations. We spoke earlier this year and thought it might be a good idea to hold a joint House-Senate hearing.

Senator Adams, we are happy to have you and your colleagues with us today.

Senator ADAMS. I want to say that I am very happy to be here with you and I think this is a very efficient and convenient way of receiving testimony from Members of Congress and others. With both the House and the Senate in session today, we very easily recess for floor votes and not inconvenience the witnesses too terribly much.

Mr. DIXON. Thank you, Senator Adams.

Our first witness today is Congressman Larkin Smith from Mississippi. He took Trent Lott's seat in the 5th district of Mississippi.

Congressman Smith serves on the Committee on Government Operations, Subcommittee on Human Resources and Intergovernmental Relations, and the Committee on the Judiciary, Subcommittee on Administrative Law and Governmental Relations, Subcommittee on Crime, and Subcommittee on Criminal Justice.

Congressman Smith, I want to say I appreciate your willingness to testify out of order. We had scheduled Congressman Stan Parris of Virginia at 12 o'clock, but he had a conflict in his schedule and plans to be here at 12:30.

Mr. Gallo is our new ranking member on the committee. We would welcome any comments you would like to make about the District of Columbia.

For the outside witnesses who are here, it has been our custom to limit outside witnesses to 5 minutes.

However, any Member of Congress who wishes to expand beyond 5 minutes, it is appropriate to do so.

With that, Congressman Smith, you may make any comments you would like to make about the D.C. appropriations bill.

Mr. SMITH. Thank you. First, I want to take this opportunity to thank you and your fellow members for the privilege to appear before your committee this morning.

You are all to be commended for the diligence and care with which you have devoted to your oversight of the District of Columbia.

My purpose in appearing before you today is to offer my humble contribution to work that is already in progress.

As a former law enforcement officer for over 20 years, I have a particular interest in the area of criminal justice. For that reason, I am convinced that our Constitutional mandate to oversee the affairs of the District requires us to devote thoughtful and careful attention to the Capitol City.

Equally important is our call to ensure that the citizens throughout this country can clearly see that Congress is acting on our mandate in a responsible manner.

With that in mind, I am submitting for your consideration a number of amendments relating to crime deterrence and fiscal incentives which I believe are representative of all our concern for ensuring continued stability and accountability in the use of Federal moneys.

In short, my proposals can be summed up as follows:

ACCREDITATION OF D.C. POLICE ACADEMY

One, an amendment to require that the D.C. Police Academy receive periodic accrediting review by the Commission on Accreditation for Law Enforcement.

Currently, the academy receives no such accrediting or oversight and I believe the law enforcement capabilities would be well served by implementing such a requirement.

Please note that the commission that I have proposed is the only independent, national accrediting entity for police academies and is located in the D.C. metropolitan area.

MANAGEMENT TRAINING FOR POLICE OFFICERS

Second, I propose that we implement a management training program for all officers bearing the rank of lieutenant or above.

At present, the department suffers from lack of any identifiable training program for its officers and management. This is a tragic oversight on the part of Congress and I urge this subcommittee to attend to this need through the appropriate legislation.

I understand now they only require a 2-week supervisory training program which, in my opinion, is not enough.

DUNCAN ORDINANCE

My third and last, my third amendment would require the sharing of information among District and Federal law enforcement agencies.

Currently, the FBI is unable to obtain any identification records from the District due to the Duncan ordinance. This ordinance has hindered the efforts of local and Federal agencies for many years and I join with the Senate in urging that we take the appropriate steps to remedy this defect in the lines of communication.

Again, I commend the Chair and his distinguished colleagues for their efforts. I thank the committee for allowing me to share my perspective on some of the matters currently being considered.

I think we all share an equal commitment to demonstrate to the American people that our war on crime and drugs should begin in the Nation's doorway and our own backyard.

Thank you again, Mr. Chairman, and I would be delighted to respond to any questions.

I believe you have been handed out a copy of those amendments as proposed for your consideration.

Mr. DIXON. Thank you very much, Congressman Smith.

SHARING OF FINGERPRINT AND ARREST INFORMATION

The only question I would have is if you could amplify the situation relative to the Duncan ordinance where you say that the D.C. Police Department does not share information with other law enforcement agencies?

Mr. SMITH. They do not exchange fingerprints or arrest information with the FBI or other law enforcement agencies.

I know of no other ordinance in the country where you don't try to obtain as much information. I think it limits their police function and ability to collect adequate records.

Mr. DIXON. I was unaware of that. We will certainly check into it. At least where there is cooperation at other levels, I would think there should be a sharing of data.

Mr. Gallo?

Mr. GALLO. Thank you, Mr. Chairman.

I appreciate your testimony and your suggestions.

Your third item, the sharing of D.C. and Federal information, both the chairman and I asked the police about their relationship with the Federal Government and at no time did we get an indication that there was a lack of cooperation.

In fact, we heard that they had very good working relationships. I am surprised this was not brought up then, because if the police found it difficult to be able to communicate information back (and, I readily agree it should be available) they should have brought that to our attention.

As the chairman has said, I think we will look into it because at no time was a difficulty expressed about sharing of information.

About the first suggestion, training and accreditation, I couldn't agree with you more. We are looking at accreditation for the entire D.C. police force.

Mr. SMITH. Yes, sir.

Mr. DIXON. Thank you very much, Congressman Smith.

As Mr. Gallo indicated, the accreditation issue is one that we are going to respond to.

PREPARED STATEMENT OF HON. LARKIN I. SMITH

Mr. SMITH. Thank you, Mr. Chairman and Mr. Gallo. I appreciate the opportunity to appear before you this morning.

[The statement follows:]

STATEMENT OF THE HONORABLE LARKIN I. SMITH BEFORE THE HOUSE SUBCOMMITTEE ON APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA

Mr. Chairman and distinguished colleagues, I want to take this opportunity to thank you and your fellow members for the privilege to appear before your committee. You are all to be commended for the diligence and care with which you have devoted ~~to~~ your oversight of the District of Columbia.

My purpose in appearing before you today, is to offer my humble contribution to work that is already in progress. As a former law enforcement officer for over twenty years, I have a particular interest in the areas of criminal justice. For that reason, I am convinced that our Constitutional mandate to oversee the affairs of the District requires us to devote thoughtful and careful attention to the Capitol City. Equally important is our call to ensure that the citizens throughout this country can clearly see that Congress is acting on our mandate in a responsible manner.

With that in mind, I am submitting for your consideration, a number of amendments. Each relates ~~relating~~ to crime deterrence and fiscal incentives which I believe are representative of all our concern for ensuring continued stability and accountability in the use of federal monies. In short, my proposals can be summed up as follows:

1) An amendment to require that the D.C. Police Academy receive periodic accrediting review by the Commission on

Accreditation for Law Enforcement. Currently, the Academy receives no such accrediting or oversight and I believe the law enforcement capabilities would be well-served by implementing such a requirement. Please note that the Commission I have proposed is the only independent, national accrediting entity for police academies and is located in the D.C. metropolitan area.

2) Secondly, I propose that the we implement a management training program for all officers bearing the rank of lieutenant or above. At present, the Department suffers from the lack of any identifiable training program for its officers and management. This is a tragic oversight on the part of Congress and I urge this subcommittee to attend to this need through the appropriate legislation.

3) Lastly, my third amendment would require the sharing of information among District and Federal law enforcement agencies. Currently, the FBI is unable to obtain any identification records from the District due to the Duncan ordinance. This ordinance has hindered the efforts of local and federal agencies for many years, and I join with the Senate in urging that we take the appropriate steps in remedying this defect in the lines of communication.

Again I commend the Chair and his distinguished colleagues for their efforts. I thank the Committee for allowing me to share my perspective on some of the matters currently be considered. I think we all share an equal commitment to demonstrate to the American people that our war on crime and drugs should begin in the Nation's doorway and our own backyard. Thank you again Mr. Chairman and I would be delighted to respond to any questions.

PUBLIC SCHOOLS AND COURTS

STATEMENT OF REV. HAROLD BRADLEY, S.J., SPECIAL ASSISTANT TO THE PRESIDENT OF GEORGETOWN UNIVERSITY

Mr. **DIXON**. Let me mention to our public witnesses that we would appreciate very much if each person would limit oral testimony to 5 minutes or less.

If any one has a prepared statement and would just like to highlight it, we would be more than happy to place the entire statement in the hearing record.

Let me say that if a witness is not present when the witness' name is called, I will pass that person and he or she will go to the bottom of the list and have an opportunity to be heard either later today or at some subsequent date.

To expedite the process, I will ask the person who will be presenting testimony to come to the table, and I will also call the next witness and he or she will take the chair on the other side of the reporter.

The first outside witness, who is not a Member of Congress, is Rev. Harold Bradley from Georgetown Univesity.

Reverend Bradley, how are you today?

Reverend **BRADLEY**. Fine.

Mr. **DIXON**. If you will take a seat to the right of the reporter.

The next witness is Gary Hankins who is chairman of the Labor Committee of the Fraternal Order of Police.

Mr. Hankins, if you will take a seat on the reporter's left.

Father Bradley, if you have a prepared statement, we would be pleased to receive it for the record.

We would ask that you limit your oral testimony to 5 minutes. I know you understand that we are asking you to do that because we have about 30 witnesses.

I don't know whether the time is working right yet or not. It is not, so I will keep the time.

If you want to highlight your prepared statement, we would be pleased to hear that testimony or if you would rather talk about something that is not in your prepared statement, we would be pleased to hear that now.

STATEMENT OF REV. HAROLD BRADLEY, S.J.

Reverend **BRADLEY**. I appreciate the opportunity to appear before you and I will submit the statement for the record and very briefly bring some numbers out of the testimony.

There is a mistake in our testimony on page 4, but basically what we are trying to say is that out of the 6 years that we have had the D.C. schools program, which is the program for tutoring immigrant children, the school system has been able to support us 2 out of 6 years and I always like to highlight the fact that we assume that we provide about 1,500 hours of tutoring a year with this program.

So if they had to pay for the tutoring, it would cost about $75,000 a year.

Then on the ASK program, that is the program for the young people on probation, we contrast our cost of $2,000 per student with what it would cost if those people had been incarcerated and that is someplace between $30,000 and $50,000 a year.

We recommend both of these programs as very cost-effective programs for the District.

Thank you, Mr. Chairman.

Mr. **Dixon**. Father Bradley, let me ask you, as I understand it, your program at Georgetown is financed through the D.C. public schools budget and although it is not earmarked for that purpose for the last 2 years you have been receiving financing?

Reverend **Bradley**. No; I said that is the mistake in our testimony.

We were financed in 1985 by the school system and again in the 1988 budget. So 2 out of the 6 years.

Mr. **Dixon**. And the other years, the university has provided the funding exclusively?

Reverend **Bradley**. Yes.

Mr. **Dixon**. What level of funding did you receive in 1988 and 1985?

Reverend **Bradley**. Let's see; $50,000, about. We asked for $80,000 and got $50,000.

Mr. **Dixon**. Mr. Gallo?

Mr. **Gallo**. No questions.

Mr. **Dixon**. Father Bradley, thank you very much.

Reverend **Bradley**. Thank you, Mr. Chairman.

[The statement follows:]

STATEMENT OF

REV. HAROLD BRADLEY, S.J.

SPECIAL ASSISTANT TO THE PRESIDENT OF GEORGETOWN UNIVERSITY

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA
UNITED STATES HOUSE OF REPRESENTATIVES

AND

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA
UNITED STATES SENATE

JULY 19, 1989

Mr. Chairmen and members of both Subcommittees, I am Father Harold Bradley, S.J., Special Assistant to the President of Georgetown University and Director of the Center for Immigration Policy and Refugee Assistance.

I wish to report to your Subcommittees on two programs at Georgetown University which are making a cost effective contribution to the District's response to two critical situations: the integration of recently-arrived immigrant children into the public school system (the D.C. Schools Project) and the encouragement of disadvantaged minority children to continue their education (the After School Kids - A.S.K. Program). Detailed information about each effort is attached. The programs have enabled these young people who, for various reasons, are marginal to our society to prepare for more productive participation in the economic, social, and political life of the City.

These two programs are designed to offer tutoring and social support for school-aged children in the District of Columbia. The programs provide a structured framework for Georgetown students, alumni and community volunteers to serve as role models and advocates for recently-arrived immigrant children and adjudicated delinquent youths who live in Washington's inner city. The tensions and prejudices that exist between the immigrant and Black children in their common neighborhoods continue to escalate as a result of increased drug trafficking, battles for neighborhood "turf" and distorted stereotypes each group perpetuates about the other.

In order to ease the tension between these groups, we have developed the Alliance for Community Enrichment (ACE), which brings together the youths from the D.C. Schools Project and the After School Kids (ASK) Program. ACE is intended to bridge the gap between these two populations of youth, through recreational activities, cultural exchange and community service projects that compel them to work together towards improving their neighborhoods.

Both programs are committed to providing each youth with the skills and attitudes necessary to living full and productive lives. Through individualized academic support, these programs encourage the youths to play an active role in their own education, thus empowering them to take responsibility for their success and motivating them to look towards the future with established, realistic goals. The support they receive is academic and social; each program assists individuals in finding counseling, job placements, and other self-esteem building activities. In these programs we have discovered that the youths are eager for assistance and motivation in academic and vocational pursuits because their social support system cannot access these opportunities.

Since these young people will be entering the work force in the next few years, it is imperative to teach them that they possess the capability to become contributing members of their community. We know this population has the ability and desire to become contributing members of their community. This goal can be reinforced through guidance and support that provides each youth with individual attention and encouragement vital to his or her own sense of self worth.

We are asking that the District of Columbia contribute $80,000 toward the D.C. Schools Project which reaches more than 300 students annually in the public schools. We are requesting that the District of Columbia continue to contribute $160,000 for the ASK Program during the next fiscal year. It is far more cost effective to spend less than $3,000 per year per child for the ASK Program than upwards of $50,000 per year per child for incarceration.

In the name of the Reverend Leo C'Donovan, S.J., President of Georgetown University, we thank you for the opportunity to appear before your Subcommittees.

D.C. SCHOOLS PROJECT

In recent years the number of limited and non-English speaking students in the D.C. Public Schools system has significantly and steadily increased. Currently more than 9,300 students in the public schools claim a language other than English as their first. The influx of recently arrived students continues to strain the system's resources.

These children face considerable obstacles to completing and succeeding in their school careers. Most of the students received little or no formal education in their country of origin. Economic problems in the home pressure many to enter the work force prematurely. For those coming from rural communities in the developing world, the adjustment to urban North American life is often traumatic. They are suddenly faced with the traumas of the inner city: drugs, violence, teenage pregnancy, etc. Adjustment is often complicated by emotional and psychological problems stemming from political violence in their native countries and the rigors of a harrowing migration. Familial separation is yet another factor. The problems facing these children and their schools require careful attention if they are to be overcome.

In response to this situation and to supplement the efforts the school system, Georgetown University's Center for Immigration Policy and Refugee Assistance initiated the D.C. Schools Project in January 1984. Working in conjunction with the Bilingual Education Division of the District of Columbia's public schools system, this program brings together University volunteers with limited and non-English speaking students in the public schools. Since its inception over 1000 Project volunteers have assisted nearly 1500 students. While most volunteers are Georgetown undergraduates, the balance includes University alumni, local professionals, and area high school students.

The D.C. Schools Project assists these students in three ways. First, the volunteer tutors the students in English acquisition and usage, providing the student with individualized attention that is not available in the crowded classroom. Second, the volunteer acts as a role model and friend to the student, encouraging development of self-esteem. Activities and events are an integral part of the program and provide added opportunities to develop a strong tutor-student relationship. In many cases the volunteer is the student's only contact with a native English speaker outside the school. Third, the volunteer serves as a liaison between the recently arrived family and the various human service agencies in the community.

Each year over 200 volunteers and more than 300 students participate in six programs designed to involve the tutors in many different aspects of tutoring English As a Second Language (ESL). The ONE-TO-ONE Program, the Project's largest, brings volunteers into the student's homes two nights per week. Volunteers in the IN-SCHOOL Program tutor twice weekly in a local elementary or junior high school under the supervision of the District's ESL teachers. In the SATURDAY Program, students meet their tutors on the Georgetown University campus for academic tutoring and structured field activities. Other tutors provide classroom assistance to adults studying English in the GORDON CENTER Program.

Older students who have benefited from Project assistance and excelled in their ESL classes tutor younger, more limited students in the PEER-TUTORING Program. Both the tutors and the students improve their English, and the tutors develop leadership skills and a sense of responsibility.

The D.C. Schools Project is now implementing the SPECIAL KIDS Program, a new program for students with limited English enrolled in special education programs. Bilingual tutors work with developmentally delayed and mentally retarded children whose progress is impeded by their language deficiency. Volunteers in this Program will tutor both in the home and in the classroom.

In 1987 the Jessie Ball duPont Religious, Charitable and Educational Fund recognized the D.C. Schools Project as an outstanding volunteer program. It awarded Georgetown University a grant of over $140,000 to replicate the Project at twelve other colleges and universities nationwide. Pilot programs modeled on the D.C. Schools Project have been initiated at Alverno College (Milwaukee, WI), Brown University (Providence, RI), Canisius College (Buffalo, NY), the Catholic University of America (Washington, DC), Fairfield University (Fairfield, CT), Fordham University (Bronx, NY), George Washington University (Washington, DC), Southern Methodist University (Dallas, TX), University of Colorado at Denver (Denver, CO), University of San Diego (San Diego, CA), University of San Francisco (San Francisco, CA), and University of Texas at San Antonio (San Antonio, TX).

The D.C. Public Schools System contributed $50,000 in 1987 and again in 1988 to the D.C. Schools Project. We expect the District to continue to share the costs of this proven program, and, as we expand, we will request a grant of $80,000 for Fiscal 1990.

The D.C. Schools Project demonstrates that volunteer community service projects, by forging a partnership between the university and the public school system, can supplement the school system's own efforts to deal with the needs of the immigrant student population. Providing approximately 15,000 hours of tutoring per year, as well as administration, the Project is a strong example of cost effective delivery of critical services. Georgetown University is proud of its part in the D.C. Schools Project and reaffirms its commitment to working with the District and with the newly initiated programs around the country to address this continuing need.

AFTER SCHOOL KIDS (ASK) PROGRAM

The After School Kids (ASK) Program was developed in February 1987 as an alternative to incarceration for juvenile offenders in the District of Columbia. Since its inception, the ASK Program has worked with approximately one hundred and twenty-five youths between the ages of nine and eighteen; currently there are fifty-two youths enrolled in the program. Although the D.C. Superior Court Probation Division is our sole referral agency, the staff continues to encourage friends and relatives of current program participants to attend regularly. Presently, there are forty-five Black males participating in our summer program, demographics that mirror the general population of juvenile probationers in Washington, D.C.

As stated in the preceding summary, ASK has identified several problems characteristic of the population that the program serves. Neighborhood violence, often the result of the lucrative business of illegal drug trafficking, school failure, poor self-esteem, weak family structures, a disillusioned community and the lack of positive role models, undermines the typical ASK youth's ability to live successfully in the community. In response to the seriousness of these problems as well as the Program's commitment to address the need for aggressive intervention in the lives of high-risk youth, ASK continues to adhere to the following goals:

a. to assist each youth in successfully completing his/her probation, by matching them with an appropriate volunteer who serves as a role model and advocate;

b. to prevent the reoccurrence of behavior that brought program participants in contact with the juvenile justice system;

c. to assist the youth in achieving academic success;

d. to expose each youth to cultural differences and differing ideas through contact with volunteers, an on-going speakers series, cultural events in the Washington area and field trips to historic places along the East Coast;

e. to assist each youth in his/her development of social skills in the community setting; and

f. to build self-esteem in each youth by defining goals and assisting in their attainment through the provision of individualized support systems.

Through the ongoing support of the Center for Immigration Policy and Refugee Assistance at Georgetown University, ASK continues to benefit from the participation of several churches, community centers and universities in working towards the above stated goals. These campus and community resources provide ASK with volunteers that are matched with probationary youth two evenings each week for tutoring, self-esteem building and advocacy. Most importantly many of our volunteers and supporting agencies have extended themselves beyond the eight hour commitment that is expected, to actually planning and implementing many evening activities. These activities include workshops for leather crafts, photography, computer activities and career planning.

An enrichment component, planned and implemented through the assistance of a Northwest probation officer, is among the latest efforts of the program to meet the expansive needs of its population. Through this project, the youths are exposed to events that otherwise may not have been made available to our particular group of young people. Visits to the Kennedy Center, discussions with members of the Holocaust Museum committee as well as a survivor, trips to museums, and tours of local college campuses afforded the youth the opportunity to experience the historical and cultural diversity of their city. Equally important, this has encouraged student volunteers to move outside the parameters of the university to share with their youth a portion of the greater Washington community that may have been alien to both.

The majority of ASK participants have responded positively. Statistics reinforce our belief that individualized programming, structured and supervised evening activities, accompanied by strong academic and social support are imperative services. As indicated by the attached statistical listing prepared in August 1988, sixty-eight percent of ASK program youth completed probation while participating in the program. Of those who completed probation, sixty-eight percent have not been rearrested. The aggressive intervention that the ASK Program provides is vital to successful reintegration into the community and prevention of further court involvement among this population of youth. The program is able to serve eighty youths yearly at a total cost of $160,000.00 ($2,000.00 per youth per year). In contrast to the annual estimated cost of incarceration at $50,000.00 per youth per year, this is a cost effective program that serves a much needed role in the community.

The success of the ASK Program stems from our basic belief that individualized attention is the key to helping youth change the quality of their lives as well as their visions of the future. With ongoing funding we will continue to work toward this goal; however, increased funding will allow us to expand to meet the needs of more youth in the District of Columbia.

After School Kids(ASK)
Former Participants Table (Statistics)
As Of August 1, 1988

TOTAL NO. OF FORMER PARTICIPANTS		SIXTY (60)
Probation completed successfully - No Rearrests	20	
Probation completed successfully - Rearrests	4	
Probation completed unsuccessfully - No Rearrests	2	
Probation completed unsuccessfully - Rearrests	6	
Probation completed marginally - No Rearrests	6	
Probation completed marginally - Rearrests	3	
Youth removed from ASK while on probation - No Rearrests	4	
Youth removed from ASK while on probation - Rearrests	7	
Youth rearrested while in the ASK Program	1	
Youth placed in ASK pending disposition - Committed to DHS	5	
Probation Revoked	1	
Probation transferred out-of state	1	
TOTAL NO. OF YOUTH WHO COMPLETED PROBATION WHILE IN ASK		FORTY-ONE (41)
No Record of Rearrest	28	
Record of Rearrest	13	
TOTAL NO. OF YOUTH REMOVED FROM ASK		EIGHTEEN (18)
No Record of Rearrest	4	
Record of Rearrest	7	
Youth placed in ASK pending disposition - Committed to DHS	5	
Probation Revoked	1	
Probation transferred out-of-state	1	
TOTAL NO. OF YOUTH REARRESTED WHILE IN ASK		ONE (1)

TOTAL NO. OF YOUTH WHO COMPLETED PROBATION WHILE IN ASK	FORTY-ONE	(68.4%)
TOTAL NO. OF YOUTH REMOVED FROM ASK	EIGHTEEN	(30.0%)
TOTAL NO. OF YOUTH REARRESTED WHILE IN ASK	ONE	(1.6%)
TOTAL NO. OF FORMER PARTICIPANTS	SIXTY	(100%)

POLICE DEPARTMENT

STATEMENT OF GARY HANKINS, CHAIRMAN, LABOR COMMITTEE, FRATERNAL ORDER OF POLICE

Mr. DIXON. I started out with Mr. Tippett and Mr. Hankins and they were scheduled for 12:20 and 12:25.

The Fraternal Order of Police is now here, so since they were scheduled for 12:25, I would like to call on Gary Hankins at this point in time.

Officer Hankins, if you have a prepared statement, we will be pleased to receive it for the record.

If you would like to highlight it or address an issue not in your statement, you have 5 minutes to do so.

Mr. HANKINS. Thank you for the opportunity to testify, Mr. Chairman.

I will just highlight the testimony. I understand you are pressed for time.

STANDARDS FOR RECRUITING POLICE

The main points that we press this year, the first one being the standards of the department for recruiting and training, as you may recall, we have testified before the committee before that we felt the standards had been reduced and as a result of lowering the standards, our standards in the academy had also fallen.

We would like to point out how important this is and why the additional manpower we will be bringing on board over the next 4 years we believe will reshape the department for the next 25 years.

The interesting thing is that while the city denied that there has been a reduction in standards in May of this year for the first time on record, the Mayor admitted there had been a lowering of those standards.

They had contended that the 70-percent minimum standard had remained in effect throughout the period of time since 1981.

What they revealed was a confirmation of our testimony last year that in 1984, perhaps as early as 1983, they revamped and introduced conversion factors that will allow a score of 50 percent to be converted to 70 percent and get on the register. That conversion essentially lowered the standard.

When we look at the proposed residence preference system that they want to use now, that could lower a residence score to 40 percent and have it through the use of the residency preference system and these conversion factors, put them on the register and put them ahead of other people.

We believe that the department has already suffered significant loss in its quality of personnel as a result of the practice being in place for the last few years and we ask that this committee stop that practice, return to a 70-percent minimum score and that they reject the preference system that the City Council is considering because it flies in the face of what Congress mandated.

It does, indeed, do more than break ties. It takes less qualified District applicants, some with scores as low as 40 by their own testimony, and makes them eligible to go on the register for hiring.

MINIMUM STANDARDS AT POLICE TRAINING ACADEMY

The second phase has now extended to the academy. In August 5, people failed our academy last year by even the lax standards we have today.

There was a routine recommendation for termination for all five concurred in by the director of training, approved by the administrative services officer and the five people were graduated anyway because the chief of police overruled it.

These people failed our minimum standards and are on the streets today.

We believe that the erosion of standards is going to continue unless this body acts to stop that.

SHORTFALLS IN NONPERSONNEL AREAS OF POLICE BUDGET

In areas regarding our budget, more to the matter of dollars, we need significant increases in the other than personal services portion of the budget because our training academy is overcrowded.

Our infrastructure has been decimated over the last decade to the point that for 4 years, we have been waiting for indoor firing range repairs.

Each year we are told it is in the budget and each year the money is not spent and we have to shut down the range.

It violates the EPA standards set by the Federal and local governments.

Our helicopter branch, which is the subject of a mandate by this committee and the Congress to provide rescue service, is out of service a majority of the time because it lacks fuel, parts, and trained pilots and because of a shortage of modern aircraft.

The harbor branch, the subject of a mandate for water rescue lacks water rescue equipment, trained personnel, and craft to support them.

The communications center is severely taxed. That is the thrust of our budget.

We need an increase in our other than personal services budget of $18 million above what was indicated by the City Council in order to begin to rectify the problems we are suffering under and at the same time trying to increase our authorized strengths.

We are deeply concerned that the departments in the city are going to take shortcuts in standards and equipment and supplies as it drives to the goals that are set.

Mr. DIXON. Thank you very much, Officer Hankins, for your comments.

IMPACT OF CITY'S HIRING PREFERENCE SYSTEM

Mr. DIXON. You are not suggesting that the residency preference is the factor that brings a nonpassing score to a passing score, but some other formula that the city is using; is that——

Mr. HANKINS. No, sir; it is an additive effect, cumulative.

Using the old formula, they can have a 50-percent converted to 70 percent.

When you add in the preference that they are considering now on top of that, then a resident who got a 40 percent would get 10 more points to bring them to 50 percent and conversion factors would apply on top of that to bring them to 70 percent.

We think that as well as bringing the standards up for hiring we should have our academy accredited.

There is an independent agency who does so. They are professionals. It is the National Commission on Accreditation of Law Enforcement Agencies.

We think that if they came in with an objective eye and looked at our curriculum and standards, they would be in a position to make a decision not tainted by local politics.

Mr. DIXON. Mr. Gallo, are there any questions that you would like to ask?

APPLICATION OF PREFERENCE HIRING SYSTEM

Mr. GALLO. Well, the testimony does not quite agree with the information that we received from the chief of the D.C. Police Department.

Questions were specifically asked about training, and it was implied that the scores did not get any preference.

I think that questions were asked more than once regarding training and the spokesmen for the police said that there had been no changes in test scoring.

Mr. HANKINS. Is this for the recruiting, sir?

Mr. GALLO. This was for recruiting, yes.

PREVIOUS TESTIMONY ON HIRING PREFERENCE SYSTEM

Mr. HANKINS. I am indicating to you what the Mayor has testified to Mr. Fauntroy and to the City Council about this.

Mr. GALLO. The Mayor did not testify about that to us. I have to go with the testimony and information submitted to us by the D.C. police chief and his staff which does not reflect any preferential treatment on testing. Applicants have to pass the test before the District of Columbia preference would apply.

Mr. DIXON. I don't think that Officer Hankins challenges that point.

Is that right?

Mr. HANKINS. As indicated in the Mayor's—I can provide for the committee the material that he sent to the council. He clearly indicates that an additional 10 points would be added to both applicants and to promotees.

So that it is a matter of record and I would be happy to furnish it for the committee.

Mr. DIXON. That is true as you have stated.

As I understand it, Mr. Gallo, if an applicant receives a passing score, then, in fact, a 10-point preference for residency would be added.

But as I understand, you are not really addressing that point. You are saying that there is some other formula that is applied before that point is reached that would give a 50-percentile person a passing score?

Mr. HANKINS. Yes, sir; that is what the Mayor testified to.

The acting director of personnel testified to the same thing before the City Council.

Mr. **Gallo**. With your permission, Mr. Chairman, I would appreciate a copy of any information that would lead this committee to get a better understanding whether or not there is any preferential treatment. That would be in direct conflict with the testimony we received from the police chief and his subordinates.

Mr. **Dixon**. Without objection, the material will be placed in the record at this point.

Mr. **Dixon**. Senator Adams?

Senator **Adams**. I have no questions of Officer Hankins, Mr. Chairman.

I am familiar with the problem and with the testing system and I am pleased to be here with you.

Mr. **Dixon**. Thank you very much, Senator.

Thank you, Officer Hankins.

Mr. **Hankins**. Thank you.

FRATERNAL ORDER OF POLICE
METROPOLITAN POLICE - LABOR COMMITTEE
512 - 5TH STREET, N.W., WASHINGTON, D.C. 20001 (202) 628-0600

August 22, 1989

Mr. Migo Miconi
Staff Director,
Sub-Committee the District
Appropriations Committee
Room H-302
The U.S. Capitol

Dear Mr. Miconi,

I am writing in response to your request on behalf of Mr. Gallo to provide the transcripts of testimony relating to the lowering of our entrance standards which I told your sub-committee was given by Mayor Barry to Mr. Fauntroy's sub-committee on Fiscal Affairs & Health.

I encountered some difficulty in obtaining the information. The Staff of the Sub-committee on Fiscal Affairs & Health refused to provide a copy. I was able, today, to review their copy of the transcript in their hearing room. I wrote the relevant portion of Mayor Barry's testimony down, verbatim. It appears below.

Hearing and Markup of Bill H.S. 1502
Thursday April 13, 1989
Sub-committee on Fiscal Affairs & Health
Committee on the District of Columbia hdt103010

Beginning at page 81, line 1975:

"Mr. Parris. And let me ask the Chief of Police very quickly, and you've been generous with the time Mr. Chairman. You know, we've never been able to get a copy of the police test, Mr. Turner. What kind of questions are on the police qualification test for applicants? Can you give us just some examples?

Chief Turner. The examine is supposed to be job related. the exam was developed by a private vendor through the D.C. Officer of Personnel. And he's here today and I don't know whether or not we have the authority to give that exam up because there are some restrictions of police officers administering the exam on a walk-in basis.

Calvin, if you wanted to answer that question. The exam is property of D.C. Office of Personnel and their private vendor.

Mr. Parris. Yes. Well, I assure you we would keep it very confidential. I just kind of like to look at it some time. And I'll tell you exactly why. Because my next question is going to be with the conversion factor, but we're told by we think some knowledgeable people, that if you answer roughly 50 questions out of 140, then your qualified as a police applicant, is that correct?

Chief Turner. I can't answer that. Again, that's the D.C. Officer of Personnel who is responsible for administering of....

Mr. Parris. Well, is there anybody here that can answer that? If I'm an applicant of police position and I take your test and I answer 50 out of 140 questions right, do I qualify or not?

Mayor Barry. Congressman Parris, you have to answer at least 50 percent of the questions accurately. (emphasis added)

Mr. Parris. And is there roughly 140 questions?

Mayor Barry. That means there will be about 70 you have to answer.

Mr. Parris. So 70 out of 140? And what are the questions? Can somebody give me an example? Who's buried in Lincoln's tomb, is that a question?

Mayor Barry. Well, I think part of the problem, Congressman Parris, is that you and I have taken tests before and we don't want to--- or at least I've been told by personnel this, that the object of a test is to test certain skills that will hopefully predict whether or not you would make a police officer or not.

Mr. Parris. But what's a conversion factor?

Mayor Barry. Depending on what you're talking about. If you're talking chemistry you're talking one thing.

Mr. Parris. No, no, no. Let me tell you what's happening, Mr. Mayor. It used to be that you had to get 85 out of 100. And then they went to 70 out of 134 and now it's 50 our of 140 because the conversion factor changes that. It's the 70 out of 140 before its converted. Now, what's a conversion factor?

Mayor Barry. Congressman Parris, I think we ought to get that to you in the next couple of days for the record so we can be accurate. I don't want to give you misinformation."

The quotes end on line 2030 of the transcript.

Mayor Barry, in responding to Mr. Parris, placed on the record that the District has set the passing score for our entrance exam at 50%. The reference to the "conversion factor" by Mr. Parris relates to a subterfuge the District has been using to testify to the Congress and the D.C. City Council that the passing score is 70%. They use the conversion factor technique to "convert" a 50% score to a minimum 70% score.

I apologize for the delay in forwarding this information. Please call me if I can be of further assistance.

Sincerely

Gary Hankins
Chairman

Excerpt from Hearings before the
Committee on Government Operations
Council of the District of Columbia
Monday, May 1,1989

Chairperson: Betty Ann Kane

Witnesses: Calvin C. Tildon, Acting Director, D.C. Office of Personnel
Charles Jones, Chief, Office of Policy Standards and Judicial Review

Residency Hiring Preference

Kane: The emergency rules that you have promulgated were effective March 16th. Those are now being used for the hiring of persons since March 16th?

Tildon: Well, we went through a pre-implementation phase, and we didn't want to get too far ahead of the approval by the Council of the regulations. So we went through that pre-implementation phase, but we really started implementing it and issuing vacancy announcements with the residency preference requirements on it effective April 24th. So consistently, April 24th is the date that we've been utilizing the emergency regulations.

Kane: Just a week ago then.

Tildon: Yes.

Kane: So that can you tell me whether anyone has been hired under the new rules in the past week?

Tildon: I doubt seriously within the past week. In effect a vacancy announcement is -- the minimum period it is opened is 5 days, and that is one that's confined to the agency. So for those vacancy announcements issued last week that are open to the public unlimited, it's a 10 day period. So I would doubt seriously if we have hired anybody under those rules.

Kane: The emergency rules are effective for 120 days which by my calculation would have them expire on or around the 15th of July. Hopefully, we can complete the process here in terms of any modifications and approval by the Council, before the Council recess which is July 15th so that you can have permanent rules in place. Are there any limits on the ability of the Executive Branch, if necessary, to extend those emergency rules beyond July 15th -- to reissue them? The Council is under some constraints in terms of the number of times that we can pass emergency legislation. Are there any constraints on -- ?

Tildon: We would have to justify the emergency as such to be able to -- it would be a new emergency period. But you come back into session sometime in September?

Kane: We do not come back -- and would only have one legislative session before the September 30th deadline. As I say, my goal, as Committee Chairman, is to see that we can get something worked out and approved before the recess so that you will have that summer period going into that, knowing that these are the rules, since the Congressional mandate was to have this fully implemented by September 30th.

Tildon: Yes.

Kane: Let me ask some specific questions about the rules themselves. Let me look at your testimony first and pick up from there. Page 10, you give an example of how it would work in terms of the 10 points "a person -- for instance" -- start in the middle of the page: Residency Preference -- whose basic rating is 80, well qualified, would have 10 points added, thereby achieving a rating of 90, or highly qualified. Now under most categories of service -- you need to help me kind of explain and run my way through this, first. Police and fire where we hire off a test aside, in most of the basic civil service hiring we have broad categories.

Tildon: Yes, we do.

Kane: And what are those categories, for the record?

Tildon: There are basically three. I won't count non-qualified. You have qualified, which is the lowest ranking, well qualified, and then highly qualified and what we do is make an assessment of the knowledge of skills and abilities based on the 171, comparing it to the qualification standards and we give some point scores to that assessment, and qualified falls within the band of 70 to 79, well qualified within a band of 81 to 88, really 89, it's hard to convert to that, and then highly qualified is 90 and above.

Kane: And, preference aside and prepreference, does it normally work out that there really are variations in there? I mean, would someone get a 73, a 76, a 72; those fine variations are made?

Tildon: Yes.

Kane: Within that category?

Tildon: Within that category. The points totals are given and then they are placed into one of the categories.

Kane: And would you consider, although there are point distinctions between there, that persons in each of those categories were equally qualified more or less, that is the people who -- let's say the well qualified in the 80 to 89 category, someone might get an 82, someone might get an 86, someone might get an 83, depending on education, experience, but that basically in personnel terms, you would say they're in the same category of qualifications?

Tildon: Within that band, yes.

Kane: Within that band. I raised that and wanted that information on the record because one of the concerns that I have with the way the 10 point preference would be implemented given the example that you have, looking at what the law says, which is that the preference shall be in addition to and not instead of qualifications established for the position, that the very example you gave would work to move a person from one category of qualification to another, rather than being a reason for choosing the person who had an 82 over the person who had an 87.

Tildon: In effect, like I said, within the band, persons are practically equal as such. The key is that number one, somebody has to be qualified in order to receive the preference, and receiving the preference does not guarantee your going to the top of the list or being selected. It helps to, in effect, give you a preference and advantage.

Kane: Let me see if I can talk this through. Preference aside, if you had two applicants for a secretarial position, one got an 82, one got an 87, would the person with the 87 normally be the one who was hired?

Tildon: Not necessarily.

Kane: Not necessarily. What would be the other factors there then?

Tildon: In effect, we'd certify to a selecting official, and we come up with a category and rankings based on the 171. Then the selecting official further looks at the candidates that are certified to him or her within that particular band, and then can make a selection. If they interview one person on that list, they have to interview all. So, it's determined really by the selecting official.

Kane: Now, put the preference 10 points on top of this. In the example that you have proposed, one applicant for a secretarial position gets an 82, [is the] another applicant gets an 85. The person with the 82 claims preference. Therefore, it becomes a 92. Would the official be required to hire that person over the other person?

Tildon: What would happen is that that person who received the preference points would go on to a certificate with highly qualified candidates and consequently may not be competing with the person who is in the well qualified group, the one with 85.

Kane: Okay -- then competing with someone who got a 93 without the preference.

Tildon: Yes.

Kane: Would the official be required to hire the person with the 93?

Tildon: No. No. The person could select anyone who is on that list of highly qualified candidates.

Kane: If there are highly qualified persons, would one of those have to be chosen over someone who is well qualified?

Tildon: Yes. What would happen is we would certify to the selecting official the highly qualified candidates first. If that person did not make a selection from that list, he or she would have to communicate back to personnel and justify not making a selection prior to our certifying a well qualified list to the selecting official.

Kane: I don't know if you find where I am going with this, but the law -- my understanding of what we passed and what we intended was that the qualifications would be determined first. It is what category, in this particular case, people were in and then as you say since well qualified must be -- I mean highly qualified -- if you have anyone who is highly qualified, under your current regulations, they must be hired first, before you look at the well qualified list, and that within that category there would then be preference given to people who are city residents, or who were claiming preference. It would be my understanding of what choosing among otherwise -- giving preference to someone among otherwise equally qualified people; the way this is worked out, it's going to move someone into a totally different category and raises a concern about whether or not you are then actually chosing among equally qualified people and giving preference among equally qualified people.

Tildon: Well, we're using the same system to apply preference as we do for veterans.

Kane: So, in a veteran's preference, which is 5 points first off, does that move a person from one category to another?

Tildon: It could.

Kane: And does it in practice?

Tildon: It does, in some cases yes. It depends on how they are initially ranked -- rated and ranked. There's also 10 point for disabled veterans.

Kane: But, as I also understand the example you gave, just because the person got moved as a result of the 10 point preference into the higher qualified category would not guarantee that they would be the person hired.

Tildon: No, it does not guarantee that?

Kane: It simply gives them a right to compete with a more qualified bunch of people?

Tildon: It places them into a category of -- that may have been rated and ranked higher than the candidate -- the preference candidate.

Kane: And, given the fact that there are still subjective factors in there and the supervisor or the hiring official is still free to chose among now all the people in that highly qualified category; residency preference has moved someone say with less education, less experience, because of the 10 points, into the more highly qualified category. In practice, what would really be the possibility that the District resident would be the one who was hired?

Tildon: In practice?

Kane: Yes, given that they may have less experience, less education, less skills, and assume, for a secretary, you do a typing test and they've now moved into a category where they, residency aside, are less qualified and are competing with people who have more training, perhaps more experience, who without preference have rated a 93, a 94; have we really ended up giving preference to the City resident or have we just put them into another category?

Tildon: In effect, by giving them the 10 points, you've given them preference. Number 1, they have to be qualified in order to get the preference. So, therefore, they have to meet the minimum qualifications. Number 2, the 10 point preference is not going to kick them more than one category up.

Kane: Right.

Tildon: Okay, [because] and therefore there will not be a massive difference in the qualifications of the highly qualified group or the well qualified group. If someone is considered to be well qualified after we rate and rank them, then they are moved up to the highly qualified group. What I'm saying is that there would not be a massive difference in the qualifications.

Kane: But there would still be no guarantee that they would be the one who was hired?

Tildon: No, there's no guarantee, no. I don't see the preference system as being a guarantee of employment.

Kane: No, but I think what we were contemplating was that when you had equally qualified people, residency aside, that then preference would be given to hiring the one who claimed preference -- the District resident. And if I had, therefore, within the category say of well qualified, a person who had an 82 and a person who had an 87, of course you say this is a general category although there are distinctions and the supervisor remains free to choose between people in that category, that preference would be required to be given to the District resident for the position.

Tildon: But how are you thinking about implementing that? Through a separate list or ...

Kane: And not having it go, bump them into a new category where they're then competing with people who are not equally qualified and maybe undermining their chances to be hired at all.

Tildon: Well, it increases their competitive edge really by being able to give them the 10 points and move them into a higher category. The thing is that 10 points are going to be given to them no matter what category they are in. That is, qualified, well qualified, and highly qualified. I anticipate that a lot of persons who claim preference will automatically be placed in the highly qualified group also based on an evaluation of their experience and education.

Kane: Preference aside?

Tildon: Yes.

Kane: Let's look at the highly qualified group then. You have two applicants for a secretarial position. I take that because there's some objectivity in that in terms of typing speed, dictation ability, years of experience, etc. There's also a subjective factor. One comes out with a 92, and one comes out with a 94. Now under the current system, residency aside, you say the supervisor is free to choose the person with the 92 over the person with the 94. Is that correct?

Tildon: Once we come up with a category for rating, the names are certified in alphabetical order to the selecting official.

Kane: And they are not given the point score.

Tildon: Right.

Kane: So that the supervisor does not know who has the 92 or who has the 94, etc. Then they look at their education, their experience. In a secretary, do you give them the typing test results?

Tildon: There will be a typing certificate with it.

Kane: There will be a typing certificate, words per minute, that sort of thing.

Tildon: Yes.

Kane: Accuracy and speed is all on there, so they look at all of that. I think what we had contemplated was that they would then also be given a list of those who had claimed, in that category of highly qualified people, who were claiming preference, claiming residency, and would be instructed that they were to give preference in their hiring decisions among all these people in the highly qualified category, to those persons who were claiming residency.

Tildon: Well, they will have the 171 to review which will include the preference claim form, so they will know who is claiming preference.

Kane: But will they know whether that person got into that category of highly qualified on the basis of their 10 points for preference for residency?

Tildon: Not necessarily.

Kane: Not necessarily. So, they are going to go back and look at typing words per minute, dictation skills, years of experience, etc., and still make the decision based on that.

Tildon: Yes.

Kane: Not on the fact that they're a resident and should therefore get preference.

Tildon: Well, that would probably be a consideration, but it's not a mandate as such.

Kane: But do you see the difficulty?

Tildon: I understand what you're saying.

Kane: Are you following the difficulty that I'm saying in terms of how this -- the way that you are proposing to set it up you have an applicant jumping from one cateory to another. They would have to because it's 10 points, so even if you score 80 points at the bottom, if you claim preference, you automatically go up into the next category because there is only a 10 point difference from the categories. So, even if you scored at the bottom, say you got 80, you would go up to 90.

Tildon: Yes.

Kane: So you've now moved into a new category. Two things I am concerned about: No. 1, that it can be interpreted as preference being used instead of qualification in contra-distinction to the law, because it helps put you in a higher category which is a qualification category and it still doesn't really give preference then among the people in that category to the person who is the resident because someone who has scored 80 on a test is probably going to be typing at the very bottom of the qualifications for well qualified, and is now going to be competing for a job because the 10 points has bumped them up against someone who may have scored a 97 at the very top of the job qualifications, and therefore is really not being given preference. It's really simply being given an opportunity to compete with people who are much more highly qualified. What I would prefer to see is a system where someone who got a 92 and someone who got a 98, if the person with a 92 happened to be the District resident, that they would be preferred over the person who got the 98, but they were all within that same category and not have it have people jump categories. There are some legal concerns about it in terms of the law and really in terms of whether we will end up achieving our goal of really giving preference to District residents [who are] over people who are relatively equally qualified.

Tildon: Well, what we did is to propose a system that is similar to an existing preference system, that is the Veterans' preference, which has been legally tested -- well it's been on the books for quite some time.

Kane: I understand the model you used; yes.

Tildon: What you're proposing may even require a separate list as such, that is once a person is ranked in the categories then we would certify District residents first. Separate lists are more problematic from a legal standpoint and so again we propose a system that has been tested in the past.

Jones: Basically, when we were going through the whole process of making a decision on what we would recommend, we looked at both of those alternatives, the separate lists and several others, and found out that, legally speaking, that the method that we were recommending, that is the ability to give the 10 points and allow the person to go into another category was legally sufficient. The thing that we were focusing on is that when that person moved from one category to another, that it would not be two. For example, it would be very hard to legally support the jumping from a qualified to a highly qualified category. Okay, so we said that's something that we know would be problematic, but looking at the Veterans' system, and the Veterans' system does have a high point of 10 points, we thought we would mirror that system and implement it accordingly. So that was some of the thinking, because we did think about separate lists and other things like what you discussed here.

Kane: Really, I haven't looked at it. I am very concerned about whether or not the law precludes jumping categories like that since the law was very carefully written to say that it would be in addition to and not instead of qualifications and it was to be a preference and not a qualification. A preference among equally or relatively equally qualified people. That's the difficulty that we're having with it as well as the practical considerations about whether you're really going to end up hiring District residents as the result of this if it's not really equally qualified people competing and the supervisor is still free to make the decision based on qualifications rather than on residency.

FRATERNAL ORDER OF POLICE
METROPOLITAN POLICE - LABOR COMMITTEE
512 - 5TH STREET, N.W., WASHINGTON, D.C. 20001 (202) 628-0600

TESTIMONY OF GARY HANKINS
CHAIRMAN, FRATERNAL ORDER OF POLICE LABOR COMMITTEE
FOR THE
METROPOLITAN POLICE DEPARTMENT
BEFORE THE
APPROPRIATIONS SUB-COMMITTEE ON THE DISTRICT
JULY 19, 1989

Chairman Dixon, other members of the committee, thank you for the opportunity to testify today. I am Officer Gary Hankins, Chairman of the Fraternal Order of Police for the Metropolitan Police Department. We represent the officers, detectives and sergeants of the department.

It is very encouraging to see the passage of the bill authorizing an additional 700 police officers for our department by the House. I hope the Senate will join in that action soon. We sorely need more officers. The 700 officers authorized here will compliment increases authorized by the City Council recently and I am convinced that the additional manpower will help us return safety and peace to our city's streets.

The new personnel authorizations coupled with the anticipated retirement of more than 1,600 veteran officers in the next four years will place heavy burdens on our recruiting and training divisions. I am very concerned that we attract the most qualified applicants and provide them with the best possible training because these men and women will be the city's finest for the next twenty-five years.

You may recall that I have previously testified that my members on the streets and in the academy were complaining about the quality of new recruits. This has been a problem for four years. I related to this committee my suspicions that the standards for recruiting had been diminished. The Mayor staunchly denied that allegation. Yet, we continued to see recruits who were unable to read and write adequately to perform under the demands of modern law enforcement.

Last August, we experienced one of our most unfortunate results of declining recruiting standards. Five recruit officers who failed to meet the minimum academic standards of our academy were recommended for termination. This should have been routine. The recommendation was approved by the director of our academy, concurred in by our Administrative Services Officer and sent to the Chief for his signature. The Chief of Police ordered the recruits graduated. They are now on our streets as police officers. No one has been terminated for academic insufficiency since that incident.

In May of this year, the Mayor made a significant admission while testifying before Mr. Fauntroy's committee. For the first time, he revealed that the city had instituted, without public notice, something he called "conversion factors" in the grading process for our police entrance examination. The exam he referred to was developed by the city in 1984 or 85 to replace the civil service examination used previously. Under questioning he said that by using these conversion factors a candidate who scored a 50% could have his or her result changed to a 70% thereby assuring placement on a register for hiring to be provided to the police department. Yet, he and other representatives for the city repeatedly denied in past years that there had been any retreat from the 70% standard.

In response to Congressional action last year the city has adopted a new residency preference system which further erodes our standards and flies in the face of your mandate. The newly created system provides 10 additional points to District residents for hiring and promotion. This does not meet the requirement by Congress that the preference would only be used as a tie-breaker and not place non-residents of superior qualifications at a disadvantage. If the District's residency preference system is allowed to stand, a resident who scores 40% on the entrance examination could have his or her score increased to a 70% and be placed on our hiring register.

The Mayor has clearly demonstrated that the District has little interest in the quality of this city's police department. The City Council has joined him in this.

Given the quickness to embrace lower standards without concern about the quality of the Metropolitan Police Department as a result of the pressures of the residency requirement, I am convinced that unless this body moves to ensure standards appropriate to the demands on a contemporary urban police department, the expansion and attrition pressures will lead to an even further erosion. The people who live in this city, work in it, and visit it should not have to place their safety in the hands of a substandard police department.

We must act now because we are about to embark on the virtual rebuilding of our department over the next five years. You will have to live with the results of that effort for the twenty-five years that follow. The FOP urges you to prohibit the District from having any residency preference or requirement. It is also imperative that you require the Metropolitan Police Academy to be accredited by the National Commission for Accredidation of Law Enforcement Agencies.

The MPD has suffered from more than a decade of declining budgets under the present administration. This has taken a significant toll. Our department is behind in modernization, automation, vehicles and personal equipment acquisition and even administrative essentials such as typewriters.

We need significant increases in the Other Than Personal Services area of the fy90 budget to restore our infrastructure and to meet the challenge of expanding our ranks. At present our Property Division lacks adequate levels of bullet proof vests.

We have not been able to train appropriate numbers of motor scooter officers for more than two years due to a lack of motorcyle helmets. Our Training Academy is overcrowded; its indoor firing range is inoperative because its ventilation system is substandard and has been awaiting repairs for four years. Many range officers have been relieved of duty because of excessive levels of lead in their blood. We need additional space for all kinds of training at an alternate site in order to meet the predicted increases in our authorized strength.

Our Helicopter Branch is out of service a majority of the time because we lack parts and fuel for overaged aircraft. We do not have enough pilots to operate on a full-time basis even if we had the ships, parts and fuel. At present, the Metropolitan Police Department cannot carry out the congressional mandate to provide air rescue for National Airport and the District of Columbia. We need two new tactical helicopters to do this.

Our Harbor Branch, which is also the subject of a congressional mandate to provide water rescue is unable to do so. This is also because of a lack of scuba equipment, divers and associated water rescue craft and equipment.

Our Communications Center is unable to properly support street officers due to a critical shortage of personnel, due in large measure to an ill-advised insistence by our Mayor to order police officer dispatchers on the street before they were able to hire enough qualified civilians. Our members often find themselves unable to get through over the air to ask overworked dispatchers to make criminal history checks, and other records checks on people and vehicles stopped on the street. This practice is dangerous for my members and increases the odds that wanted felons may go undetected even when under investigation by street officers.

The technology to place mobile data terminals in our vehicles has long been available and is used by many departments. We have not been able to afford to do this.

While these are a few specific examples of the more controversial problems created by underfunding, I assure you that the resource starvation-permeates our department. We have investigators who cannot get on the street to their job because no vehicles are available, some have brought their personal typewriters and computers in from home in order to be able to write reports and keep investigative jackets.

Even when the department has the money to purchase supplies it takes months or even years to get through the District's Department of Administrative Services bureaucracy to get a contract awarded. If the Department is to re-equip itself while expanding, and if it is to meet the mandates of Congress that it has failed to keep in the past, it must have independent authority to purchase what it needs from the GSA schedules or from approved contractors. We are now at the mercy of another

District agency which I believe is used as a means of putting a break on our spending for political purposes that have no consideration of our operational needs, or the safety of our community. The funds which are not spent due to a failure of the DAS to execute contracts totals millions of dollars. Those dollars are not rolled over from one fiscal year to the next. As a result, we loose the unexpended appropriated funds to the general revenue fund of the District through its Financial Management System. Our Department's authorized purchases are not completed in order to help balance the city's budget while my members suffer all of the shortages outlined previously.

For all of the reasons outlined, I urge you to increase the OTPS portion of our budget by 18 million dollars and to provide the Metropolitan Police Department the authority to spend the money independent of the Department of Administrative Services. We need this to win back the streets of our Nation's Capitol and to restore peace and tranquillity to its inhabitants, visitors and commuters.

Thank you.

OVERVIEW OF FISCAL YEAR 1990 D.C. BUDGET

STATEMENT OF HON. STAN PARRIS, U.S. REPRESENTATIVE FROM VIRGINIA

Mr. DIXON. We have been joined by another Member of Congress, Congressman Stan Parris who represents the 8th district of Virginia and also serves as ranking member of the House Committee on the District of Columbia, the authorizing committee. Congressman Parris, as we do every year, we welcome your comments and thoughts concerning the District of Columbia. Let me indicate to you that if you have a prepared statement, it will be placed in the record in its entirety. If you would like to highlight it, we would allow you such time as you require to do so.

Mr. PARRIS. I appreciate that very much. I would submit the full statement for the record, and just simply make what I hope will be several brief comments.

Specifically, I want to concentrate on one issue that was before your committee. Many of us are burdened with continuing criticism for unnecessarily involving ourselves in the micromanagement of the city's affairs; but, I continue to believe that the District of Columbia has failed to provide sufficient police resources, to manage its emergency medical services properly, and to maintain its fire suppression-rescue capabilities, let alone manage the burgeoning prison population.

So, I have concentrated in my responsibility as the vice chairman of the authorization committee over the years to address myself to the priorities of the District of Columbia.

I will give you a couple of quick examples. Instead of concentrating their efforts more on graduating an increased proportion of literate high school students at the conclusion of high school, the city wants to create a public law school, at a minimal operating cost of $3.9 million, and $2.3 million for capital improvements.

We can argue about the prioritization of all that. The point of these comments is that the District needs to apportion, in my view, its resources carefully to assure they can better meet the needs of the unfunded pension liability, which is a continuing problem that we have struggled with for years, to lower its general fund deficits, and to improve public safety and education.

HIRING PREFERENCE SYSTEM

Let me just concentrate, if I might, on one issue. The appropriations bill enacted last year asks the city, and in my view required the city, to establish a preference system that does not preclude the hiring of noncity residents.

The Residency Preference Amendment Act of 1988, the D.C. Act 7-274 subsequently adopted by the council in accordance with that mandate, went far beyond and is contrary to that mandate, in my view.

It provides retroactively that any applicant hired under a previous residency law is presumed to have asserted a claim for preference under this act with a responsibility to reside in the District of Columbia for 5 consecutive years.

It provides that preferences would be extended to District residents in the event of RIF's, and for competitive examinations. Nowhere in the conference report or the work product of this committee has that interpretation been given credence or support. The City Council adopted it nonetheless. Notwithstanding the problems with the statutory construction which I believe are contrary to the Congress' intentions, the rules implementing the Residency Preference Act are even worse.

Persons who assert a residency preference are given a 10-point advantage in a competitive examination. I think the intention of Congress was that the preference would be in addition to and not instead of the qualifications established to acquire any position.

Ten point preference, if you will, defeats that intentional prima facie. It makes a mockery of the competitive examinations for promotions, the lowest passing score is closer than the 10-point gap. Normally it is within two or three points.

So, what has been essentially done by the adoption of the preference system is to eliminate the competition in competitive examinations. If anything, that is worse than what it was—not better than what it was.

The District of Columbia, in my opinion, knowingly and deliberately thumbed its nose at this Congress in adopting that program. If you now want to work in the District, you have to compete with District residents who have the 10-point advantage; if you want a promotion, you have to compete with people that get an advantage which is mathematically impossible to overcome.

If you are subject to a RIF, and you have been a District employee for 5 years, a veteran 5-year employee, you will be RIF'd before a 1-year District resident employee is RIF'd. That is the practical effect of all this. This makes it impossible to administer, in my view, the application of the current law to current employees, it makes it almost impossible in terms of continued working conditions by existing employees, many of which are going to leave the District of Columbia in worse shape if they don't stay.

We have sought to eliminate the residency requirement for many years, Mr. Chairman. As you know, elimination was overwhelmingly supported on the floor of the House and in the Senate. We have tried to look at what we could do to improve the conditions of public safety in this city.

If you need one example of what is happening, on Monday, July 17, 1989, the District of Columbia made 24 police cadets, sworn police officers. Eighteen of them have never attended the police academy. They have never had any certified training. Yet they carry guns, they enforce the laws, but have never had any formal training as police officers from the academy.

Now, while they have been cadets and filed papers and did some administrative duties, maybe they got some understanding about police work. It is no substitute for the intense training of a police academy program. That is just an example.

Given the results, Mr. Chairman, we have to conclude that the task that we all wanted to avoid, if we could, is now inescapably, once more, before us.

NUMBER OF POLICE OFFICERS ELIGIBLE TO RETIRE

I hope the committee will pay careful attention to some numbers I will share with you. If you look at the Metropolitan Police, Fraternal Order of Police survey of last year, the current force strength in the Police Department is 3,880 people. Of that number, 2,351 are eligible to retire by 1992, just 3 years from now. That is, 55 percent of the existing force is eligible to retire.

Under the survey of the Fraternal Order of Police, the current officers covered under the old residency law, that is those hired between January 1980 and January 1989, there are 875 of those. Ninety-four percent said that they would remain on the force if the residency law were eliminated.

In fact, if the existing law remains unchanged, only 15 percent of them intend to continue employment with the Police Department. Now, if you add the 300 additional officers authorized currently by the City Council, if you add the 700 additional officers that were accomplished under the legislation recently passed by the House, if you take the 2,116 officers, 318 of which retire this year, by the way, if you take those 2,116 officers, not counting other attrition through death, illness, accident or whatever, if you take the nonretirement-eligible officers who have indicated in the survey they will leave if the residency requirement remains the same, then the total residency-related replacements required for the District of Columbia is 3,860 people over 5 years.

That is 99.5 percent of the current force. Where are these people coming from? That is the question that we have addressed ourselves to, Mr. Chairman, you and I for sure, for 10 years now, and it still hasn't gone away, and I do not apologize to those who accuse me repeatedly of unnecessarily interfering in the micromanagement of the District of Columbia in the face of these kinds of numbers, Mr. Chairman.

How many Members of this Congress do you have come up to you—I had two today, one of whom told me about a staff member who works for him in Merchant Marines who got into a gun fight. He lives at 11th Street.

His wife said, "Look out."

There were some kids when he came home. He thought she meant little kids. Turns out they are teenagers.

He gets out of the car, one has a gun, bashes him over the head, they get into a fistfight.

How many times—I had another gentleman say to me on the way to this hearing, "Tell them about the lady that works for me who got her purse snatched yesterday coming to work."

That happens in Northern Virginia as well, Mr. Chairman, but it happens unnecessarily often in the District of Columbia. Part of the reason for all of that, in my view, is because of the situation that I just addressed. It is directly attributable to what I call the excessive municipal ego of limiting the opportunity for employment in the Police Department. I do not apologize for being a continuing critic of that situation.

CONCEPT OF HIRING PREFERENCE SYSTEM

Mr. Chairman, what I meant by a hiring preference is a system which would reward District residents whenever two identically qualified people have applied for the same job.

I have no problem with that. When, however, you apply the preference system so it is nothing more or less than a residency requirement in some different form, then that is not what I meant. I don't think that is what you meant. I don't think that is what the majority of people in Congress meant.

STAFFING LEVELS OF FIRE COMPANIES

Let me add one other thought. Once again, I think for 2 years running, for two Congresses running, since 1984, this subcommittee has complied with the requests of the D.C. Fire Fighters Association in requesting the continuation of the five-person, two-piece equipment definition for company staffing levels in the firefighting service.

It is my understanding that the firefighters, once again, feel that they need that protection in the bill.

I would hope that the subcommittee would agree with that position and once again include that language in the bill, as it has been in the two previous appropriations bills.

With that, Mr. Chairman, I invite you to review—I have put a special order, an extension of remarks in the Congressional Record today of some fairly extensive detailed recommendations of what Stan Parris' version of the D.C. budget might look like. Some of which—and I will mention one—there is $150,000 in the budget to enhance statehood in the District of Columbia.

Whether you like the statehood idea or not, I am not sure the $150,000, even in a $3 billion budget is, in the context of things around here these days, a justifiable expenditure.

There are a number of these examples.

I would invite your attention to those details. I will not burden you with them at this time.

Thank you.

Mr. DIXON. Thank you, Mr. Parris.

Mr. Gallo.

RECRUITING AND TRAINING OF NEW POLICE OFFICERS

Mr. GALLO. I would like to thank you for your testimony and some of the areas that you have raised as concerns are concerns of this committee and we have asked numerous questions dealing with preference, and I think as you look at the changes that are taking place through the retirement, through the legislation requiring or allowing for 700 new police officers, the question of training and also the question of preference becomes more and more pertinent, because to induce new individuals or people that want to start a career in police enforcement, obviously you are not going to get the numbers that you are looking at from the Washington, DC, area.

You are going to have an extensive recruiting program to meet those numbers and that recruiting program will not be helped at all when there is such a preferential treatment dealing with point procedures, especially in the area of promotions, so that does not bode well for morale in those officers living outside the District.

So there will have to be some conformity by the D.C. Mayor and council in dealing with the mandates that Congress has set forth.

I appreciate your testimony.

Mr. **Parris**. Thank you.

If I might respond to that quickly, I have discussed with the appropriate authorities in my district, which, as you know, is immediately across the river, and they are in competition for hiring the same people.

I have discussed this at some length with members of the District Police Department; Gary Hankins is a constituent of mine, has been for many years.

I have discussed it with him. He is very active in union activities.

A little common sense here--if you were a cop in the District of Columbia and you had been here 5 or 10 years and Fairfax County has a very aggressive recruitment program going and you knew that when the time for promotion came a guy you worked with, a District resident, is going to get a point preference that you can't mathematically match regardless of how good you are, would you be more or less inclined to think carefully about moving to the Fairfax County department?

Therein lie real-world problems that are being faced by this city and that is just an example of what is happening as we discuss this problem today. And it has been for some time.

Mr. **Dixon**. Senator Adams.

EFFECT OF PREFERENCE SYSTEM ON NEW POLICE RECRUITS

Senator **Adams**. Thank you, Mr. Chairman.

I would like to separate your promotion preference point from your recruitment preference point.

In the last 15 years, things have changed drastically in terms of residence, in terms of what you can afford and so on, but it is my understanding—and tell me if I am incorrect—that there is a shortage of potential recruits in the whole suburban and District area now——

Mr. **Parris**. No question about it.

Senator **Adams**. And that a preference one way or the other on points is not going to be a major factor in terms of applicants.

I don't think we have enough people to fill these positions that you have laid out under either or both systems, do we?

r. **Parris**. I don't think we do.

Senator **Adams**. I don't think so, either. So why is the preference--I am not saying we shouldn't consider doing something with the preference system. It seems to me it is a nonstarter at this time because the preference system originally was to give an advantage, and I was part of creating it years and years ago, to people who live in the District have preference in applying for jobs in the District government.

It is best to have a police department that is connected with the area that they are policing.

I don't think that is probably any longer possible because all of the various jurisdictions are raiding one another or trying to recruit new people to get enough on the streets, and I support the 700 new police officers—and we are trying to get people from outside, so isn't the 10-point preference sort of a nonstarter, unless you want to say that you want to break the tie between people who are being recruited from the neighborhoods from which they are recruited?

I want to give this ability to go outside because I don't think people can afford the housing in Washington, DC, who remain in the police department, so I have a crosscut there, but it doesn't seem to me that the 10 points on recruiting is a problem, you don't have enough recruits?

Mr. Parris. That is certainly correct. I agree with that, but I disagree with your assumption that it is of very little significance.

Senator Adams. I didn't say that——

Mr. Parris. A nonstarter, to use your words.

Senator Adams. Yes; because we are going to have to be recruiting whoever we can get and it seems to me—and I understand your position on residence—I would have the same one if I lived across the river—but I don't see that we are holding people out when we don't have enough already.

Mr. Parris. I have been accused before, Senator, and I will tell you, I am not here to get jobs for people who live in Virginia. We have plenty of jobs.

We have a shortage in our police department. If anything, I am going to the best people that the District has and urge them to come to Virginia.

Senator Adams. That is why I have a different position on it, and the chairman and I will discuss the promotions. We had a big struggle on this on the Senate floor and I don't want to get into a big struggle where somebody asks the obvious question, you don't have enough people, so what are you worried about?

Mr. Parris. It is a detriment in terms of solicitation of applicants for employment because they know how it works here and you don't have to go very far to find out. It makes this police department noncompetitive in recruitment. Therein lies the problem.

Senator Adams. Thank you, Mr. Chairman.

Mr. Dixon. Stan and I have debated this issue many times and I really don't want to debate it today, but I do share some of Senator Adams' feelings about the fact that the applicant pool is not large enough anyway, severing the issue of promotions, which probably makes a good case for someone going to the police department in Virginia. But I think his view is correct as it relates to the right of the District to determine that they would give some preference to District residents.

I think the committee has felt in the past that it was unduly harsh and probably not appropriate to say that you had to live in the District to qualify for a job here. We have been rather consistent on that.

We can argue about the validation of tests and whether someone that scores 82 on a test and someone who scores 70 on a test, whether that necessarily means that one will be a better employee than the other.

There are all kinds of supporting studies depending on what you want to argue, but I don't see, regardless of what the preference number is, that there is any violation of the spirit or the intent, certainly of this committee in Congress, in saying that a District resident would receive preference as it relates to hiring.

As it relates to promotion, that is an entirely different issue.

So maybe you would like to respond to that.

Mr. **PARRIS**. I would, indeed.

As I have tried to indicate in my remarks, I support the concept, which I think you do as well, which says that if you have two equal applicants for a given job or 100 given jobs, 100 people, all test the same, have the same desirability in terms of filling that position, then if the District chooses to have a requirement that you first hire a District resident who is equally qualified, then I have no problem with that at all.

But in the real world, that is not the way this is working and it is not what they did.

What they did is create a system by which it makes it almost impossible for a qualified recruit—and that is the most important consideration if you talk to the police officers who want to stay in the D.C. Police Department—is the quality of the recruits that are coming into the department, because their lives are at stake, many of them.

When you go out together and you can't trust the guy that you are with because he doesn't know what he is doing, then you have got a real problem when you go to work the next morning.

We are all looking for qualified people. My point is very simply that if we have an insufficient pool—and I agree with Senator Adams that we do—you are going to have 744 less vacancies if you don't, according to the Police Department's own survey, if you don't have a residency requirement that works the way this one works.

So you are 744 people ahead already because they are not going to leave if you believe what they told the survey.

No. 2——

NUMBER OF APPLICANTS

Senator **ADAMS**. That goes into the promotion part, but let me tell you, just answer this for me: If you have 700, which is a number we hope to put in as additional police officers, and I won't go into the number we have to replace because we have an enormous number——

Mr. **PARRIS**. It is 3,860.

Senator **ADAMS**. Out of 700, the number of applicants you are going to get from the District are probably only going to be about 300, so you have a nonproblem. You have a lot of space for everybody to flow in here and still make it and the 10 points gives you a few more people from the local area to fill a gap that you can't fill anyway.

Maybe—and if you want to send later some statistics to the committee, we have for our 3,800—or 700—15,000 applicants and we are holding people out, then tell us and that is a different problem.

I just don't think that is the situation. I think we are going to have a devil of a time getting, even with the 10-point preference, enough people to fill the vacancies coming up plus the 700.

Five or ten points, the number we could argue about, but I think the principle on recruitment——

Mr. **Parris**. By the time you take the test which has 100 points to it and you weight that with a number of other factors which is also being done. Then you put on the bottom line 10 more points for residency. Then you get to the point where you have an enormous gap between the qualifications, if you will, between the persons who have been weighted into the job because of that preference.

Senator **Adams**. That is an argument of quality not quantity.

Mr. **Parris**. The quantity is going to be almost impossible to comply with anyway. It will be very difficult.

Mr. **Dixon**. Are the any other questions? If not, thank you very much for your testimony today.

[The statement follows:]

STATEMENT OF THE HONORABLE STAN PARRIS, RANKING MEMBER COMMITTEE ON THE DISTRICT OF COLUMBIA

before the

COMMITTEE ON APPROPRIATIONS
Subcommittee on the District of Columbia

Wednesday, July 19, 1989 -- 12:30 P. M.

READING COPY

Mr. Chairman. I would like to submit my entire statement for the Record and then make a few brief summary remarks which will focus on some particular matters of special concern to me.

The budget of any community is the statement of the values and priorities of the body politic. As we review the proposed budget of the government of the District of Columbia for FY-90, I would recommend that we examine that proposal through the analytical devices of values, priorities, distribution and redistribution. When that assessment is completed, I believe that we will conclude that the values of the community have been ignored, that the priorities of the District are misplaced, that resources have been mal-apportioned, and incomes redistributed from the have- and the have-nots to the need-nots.

VALUES OF THE COMMUNITY HAVE BEEN IGNORED

The values of the community have been ignored. Few things are more important to residents, workers, and visitors than public safety. Yet, the District of Columbia continues to fail to provide sufficient police resources, to manage its emergency medical services properly, to maintain and improve upon its fire suppression and rescue capabilities, or to manage its burgeoning prison population.

PRIORITIES OF THE DISTRICT ARE MISPLACED

The priorities of the District are also misplaced. Instead of concentrating, for example, upon graduating an increased proportion of literate students at the conclusion of high school, the City seeks to create a public law school at a minimal annual operating cost of $3.965 Million and $2.354 Million for capital improvements.

RESOURCES HAVE BEEN MAL-APPORTIONED

Resources have been mal-apportioned. In the regulation of public utilities, for example, the budget seeks funds for the Public Service Commission as well as the Office of Peoples Counsel which could well be funded in other ways.

An old saw applicable to the use of resources says the following: Use it up; Wear it out; Make it do; Do without.

Just as that phrase is applicable to personal resources, it is applicable to public resources. The District needs to apportion its resources carefully to assure that it can strive to better meet the needs of its unfunded pension liability, lower its general fund deficit, and improve upon public safety, education, and health care offerings.

INCOMES HAVE BEEN REDISTRIBUTED FROM THE HAVE- AND HAVE-NOTS TO THE NEED-NOTS

Incomes have been redistributed from the have- and the have-nots to the need-nots. Obviously, the most egregious areas are found in the tax system. Programs, like the Rental Accomodations Program, are, however, just as insidious. Instead of helping the poor, this program has taken resources from them and handed them over to those who can fare on their own.

BUDGET PHILOSOPHY OF DISTRICT IS SELFISH, EGO CENTERED AND POLITICALLY MOTIVATED

These budget issues I have touched upon represent a philosophy which I have called municiple ego. To counter-act that, we need to take timely and sufficient actions on the budget and budget related matters to assure that the City will function as a safe and decent place to live, and as a safe and decent place for the National Seat of Government. We must also act to assure that the lawful intentions and mandates of Congress are met.

CITY HAS FAILED TO MEET CONGRESSIONAL MANDATE; RESIDENCY REQUIREMENT STRICTURES ACTUALLY MADE WORSE

The Appropriations bill enacted last year asked the City to adopt a "preference system that does not preclude the hiring of noncity residents, ..." The Residency Preference Amendment Act of 1988, D. C. Act 7-274, went far beyond and contrary to that mandate. It provides retroactively that any applicant hired under a previous residency law is presumed to have asserted a claim for a preference under this Act with a responsibility to reside in the District of Columbia for five consecutive years. It further provided that preferences would be extended to District residents in the event that RIFs were instituted and in the case of competitive examinations for promotions. Nowhere in the Conference Report or in the House Report is such an interpretation of the Congressional mandate given credence, much less support.

Notwithstanding the problems of this statutory construction which is contrary to Congress' intentions, the Rules implementing the Residency Preference Amendment Act are worse. Persons who assert a residency preference are given TEN points. Our intentions were that the preference would be in addition to, and not instead of, qualifications established for the position. Ten points defeat that intention. It makes a mockery of the competitive examinations for promotions where the highest score and the lowest passing score may well be within only two or three points.

The District of Columbia knowingly, deliberately, and intentionally thumbed it's nose at Congress. If you now want to work in the District of Columbia, you will have compete with District residents who will have a ten point advantage; if you want a promotion, you will have to compete with District residents who will be given a ten point advantage which, mathematically, cannot be realistically overcome; and, finally, if you are subject to a RIF, you will have to compete with District residents who will be given a four year advantage meaning that a five year veteran will be RIFed before a one year District rookie. All of this makes it impossible for anyone other than a District resident to compete for a job, for a promotion, or for protection from a RIF.

The final insult is the application of the new law to current employees. Those who were hired under a previous residency law are presumed to have asserted a preference. These employees did not assert a preference. They expected as a result of our efforts, that the residency law would eliminate the requirement that they continue to reside in the District. If this onerous provision is not eliminated, many of these loyal, dependable veterans will quit. It is as simple as that. The consequences will be disastrous.

We sought to eliminate the residency requirement because it has affected the ability of the District to recruit. As though we needed more proof of the impact on recruitment that the residency requirement has had, we need only look at what transpired this week -- Monday, July 17, 1989 -- when the District of Columbia made 24 Police Cadets sworn Officers. Of these 24 individuals, I am told, that 18 have not gone through the academy. They have not had the certified training that is supposed to be given those who carry guns and enforce our laws. Yet, they will be on the street with guns and full arrest powers as of this afternoon. While work as a Police Cadet probably does provide some level of comprehension about police work, it is no substitute for intense, scrupulous, carefully thought-out training. I cannot emphasise the importance of that training in a City with national and international responsibilities.

We, and this Committee in particular, sought to be sensitive to the needs of the locally elected government. Given the results, I have to conclude that the task we all wanted to avoid is now inescapably upon us. We must act to prohibit the enforcement of any residency requirement on any employee of the District of Columbia. And, if we want, provide as I suggested last year, a hiring preference which would reward District residents whenever two identically qualified individuals are tied for the same position. That is what we intended. That is what this House adopted; and, that is what we are now honor bound to produce.

STATEMENT OF THE HONORABLE STAN PARRIS, RANKING MEMBER COMMITTEE ON THE DISTRICT OF COLUMBIA

before the

COMMITTEE ON APPROPRIATIONS
Subcommittee on the District of Columbia
Wednesday, July 19, 1989 -- 12:30 P. M.

Mr. Chairman. The budget of any community is the statement of the values and priorities of the body politic. It is also the instrument through which resources are distributed and redistributed. As we review the proposed budget of the government of the District of Columbia for FY-90, I would recommend that we examine that proposal through the analytical devices of values, priorities, distribution and redistribution. When that assessment is completed, I believe that we will conclude that the values of the community have been ignored, that the priorities of the District are misplaced, that resources have been mal-apportioned, and incomes redistributed from the have- and the have-nots to the need-nots.

VALUES OF THE COMMUNITY HAVE BEEN IGNORED

The values of the community have been ignored. Few things are more important to residents, workers, and visitors than public safety. Yet, the District of Columbia continues to fail to provide sufficient police resources, to manage its emergency medical services properly, to maintain and improve upon its fire suppression and rescue capabilities, or to manage its burgeoning prison population.

Murders continue at an overwhelming rate. The fire department still lacks the scuba gear this Congress mandated. The emergency medical services, while not in the paper as much, runs with fewer people and resources while trying -- doing an excellent job with minimal support I think -- to save the lives of those who are shot and maimed in this senseless drug war. Our prisons, still overcrowded and still without an implemented classification system, a risk assessment system, or a functioning sentencing guideline system, appear, more often than not, to be run by judges and not the executive.

PRIORITIES OF THE DISTRICT ARE MISPLACED

The priorities of the District are misplaced. Instead of concentrating, for example, upon graduating an increased proportion of literate students at the conclusion of high school, the City seeks to create a law school at a minimal annual operating cost of $3.965 Million and $2.354 Million for capital improvements. That is not much money in the overall scheme of the $3.3 Billion budget;

but, those dollars, taken with others of similar nature, represent tens of millions of dollars.

A study by the Federal City Council pointed out what must be done to bring the District's schools up to the highest standards. Not only are new management and organization schemes needed, money is needed. How the City expects to pay for this single highest priority along with new untried programs like the proposed law school and a bloated public university ought to be the subject of some inquiry and challenge.

RESOURCES HAVE BEEN MAL-APPORTIONED

Resources have been mal-apportioned. In the regulation of public utilities, for example, the budget seeks funds for both the Public Service Commission and the Office of Peoples Counsel. In a time of tight budgets, it would seem that the Office of Peoples Counsel should be required to seek its reimbursements from the utility subject to approval by the Public Service Commission and the courts rather than from the budget at $2.022 Million. Likewise the Taxicab Commission, with its $1.850 Million budget, should have its functions transferred to the PSC for greater efficiencies.

An old saw applicable to the use of resources says the following: Use it up; Wear it out; Make it do; Do without.

Just as that phrase is applicable to personal resources, it is applicable to public resources. To assume that public resources can be created and drawn upon without limit, without assessment of how one can more efficiently use what already exists is wasteful, and folly. At some point taxpayers simply revolt; they say no. In the District of Columbia which seeks some $500 Million -- a half Billion, if you will -- from the Federal treasury and thus from all taxpayers of this country who receive no tangible benefit from most of these expenditures, it is even less tolerable. The District really does need to apportion its resources carefully to assure that it can strive to better meet the needs of its unfunded pension liability, lower its general fund deficit, and improve upon its public education and health care offerings. To do otherwise, for us to permit otherwise, is to cheat the citizens of the City and the taxpayers of the Country.

INCOMES HAVE BEEN REDISTRIBUTED FROM THE HAVE- AND HAVE-NOTS TO THE NEED-NOTS

Incomes have been redistributed from the have- and the have-nots to the need-nots. Obviously, the most egregious areas where incomes have been redistributed come in the tax system. Those are self evident -- greater sales taxes, additional transfer taxes.

While programs which redistribute funds are often less evident, they are just as insidious. One prime example is the Rental Accomodations Program which regulates the rent control policy of the District. This is a program, using about $1.4 Million, which has effectively ended new rental construction in the

District by making it unprofitable to build new housing, renovate or maintain older housing stock, or to keep lower income housing available. Worse yet, it has held down rents in all rental properties in what can only be characterized as a subsidy for middle income families while low income families struggle in homelessness or are forced to stay, at great costs to the City, in hotels and motels. Instead of helping the poor, we have effectively taken resources from them and handed them over to those who can fare on their own. It is a travesty of justice and represents the most egregious form of income transfer. This kind of income transfer ought not be permitted to be done by government.

BUDGET PHILOSOPHY OF DISTRICT IS SELFISH, EGO CENTERED AND POLITICALLY MOTIVATED

These budget issues I have touched upon represent a philosophy. It is selfish, ego centered, politically motivated greed offered up by a few politicians who are intent on keeping themselves in office regardless of the consequences for the City. While I happen to believe that the voters will ultimately prove these politicians wrong, I am not sanguine that we can wait for that day. We need to take timely and sufficient actions on the budget and budget related matters to assure that the City will function as a safe and decent place to live, and as a safe and decent place for the National Seat of Government. We must also act to assure that the lawful intentions and mandates of Congress are met.

CITY HAS FAILED TO MEET CONGRESSIONAL MANDATE; RESIDENCY REQUIREMENT STRICTURES ACTUALLY MADE WORSE

First and foremost among these is the in-fact continued and, indeed, enhanced imposition of a residency requirement contrary to the mandate of Congress. The Appropriations bill enacted last year asked the City to adopt a "preference system that does not preclude the hiring of noncity residents, ..." The Residency Preference Amendment Act of 1988, D. C. Act 7-274, went far beyond and contrary to that mandate. It provides retroactively that any applicant hired under a previous residency law is presumed to have asserted a claim for a preference under this Act with a responsibility to reside in the District of Columbia for five consecutive years. It further provided that preferences would be extended to District residents in the event that RIFs were instituted and in the case of competitive examinations for promotions. Nowhere in the Conference Report or in the House Report is such an interpretation of the Congressional mandate given credence, much less support. The District's Act is faulty and, it in and of itself, needs to be corrected.

Notwithstanding the problems of this statutory construction which is contrary to Congress' intentions, the Rules implementing the Residency Preference Amendment Act are worse. For example, it is not just that one must assert residency; one is required to prove that one is a resident. The Rules provide that "No single document, fact or circumstance is conclusive in order to determine bona fide residency; however the following may be considered:" home address, mailing address, voting registration, motor vehicle registration and permits, tax returns. If this does not provide opportunities for caprice, whimsy, arbitrariness, what might?

Another point I want to make deals with the scoring and ranking of persons who assert a residency preference. It is done by granting TEN points. Both our intentions and the District's own statute make clear that that the preference would be in addition to, and not instead of, qualifications established for the position. Ten points, by definition, would tend to defeat that intention._ It makes a mockery of the competitive examinations for promotions where the highest score and the lowest passing score may well be within only two or three points.

What the District of Columbia undertook to do in enacting D. C. Act 7-274 was to knowingly, deliberately, and intentionally thumb it's nose at Congress. The original law was quite simple -- if you want to work for the District of Columbia, you had to live in the District of Columbia. The new law is slightly more complex but the result is the same. If you want to work in the District of Columbia, you will have compete with District residents who will have a ten point advantage; if you want a promotion, you will have to compete with District residents who will be given a ten point advantage which, mathematically, cannot be overcome; and, finally, if you are subject to a RIF, you will have to compete with District residents who will be given a four year advantage meaning that a five year veteran will be RIFed before a one year District rookie. All of this is intended to make it impossible for anyone other than a District resident to compete for a job, for a promotion, or for protection from a RIF.

The final insult is derived from the application of the new law to current employees. Those who were hired under a previous residency law are presumed to have asserted a preference. These employees did not assert a preference. Many of them took the jobs under protest. They expected as a result of our efforts, that the residency law would eliminate the requirement that they continue to reside in the District. They did not expect to have to reside in the District of Columbia for at least five years from the date of their appointment. If this onerous provision is not eliminated, many of these loyal, dependable veterans will quit. It is as simple as that. The consequences for public safety, for our schools, for all of our services will be disastrous.

We sought to eliminate the residency requirement because it has affected the ability of the District to recruit. As though we needed more proof of the impact on recruitment that the residency requirement has had, we need only look at what transpired this week -- Monday, July 17, 1989 -- when the District of Columbia made 24 Police Cadets sworn Officers. Of these 24 individuals, I am told that 18 have not had gone through the academy. They have not had the certified training that is supposed to be given those who carry guns and enforce our laws. Yet, they will be on the street with funs and full arrest powers as of this afternoon. While work as a Police Cadet probably does provide some level of comprehension about police work, it is no substitute for intense, scrupulous, carefully thought-out training. I cannot emphasise the importance of that training in a City with national and international responsibilities. It is wrong, wrong, wrong, to do otherwise.

We, and this Committee in particular, sought to be sensitive to the needs of the locally elected government to fashion a preference system that met the employment and job needs of the City and its residents. We have been rewarded by sloppy and deliberatly opposite interpretations of our clearly stated intentions. The Report of this Subcommittee said the following:

> If by February 1, 1989, the District government has not adopted its own preference system that does not preclude the hiring of non-city residents, the Committee intends to include language in its fiscal year 1990 appropriations bill prohibiting the continued enforcement of the residency requirement and replacing it with a preference system developed by the Committee.

H. Report 100-690, 4.

I have to conclude that the task you wanted to avoid -- the task we all wanted to avoid -- is now inescapably upon us. We must prohibit the enforcement of any residency requirement on any employee of the District of Columbia. And, if we want, provide as I suggested last year, a hiring preference which would reward District residents whenever two identically qualified individuals are tied for the same position. That is what we intended. That is what this House adopted; and, that is what we are now honor bound to produce.

CONCLUSION

Mr. Chairman, the District of Columbia needs to begin to recognize that they are part of a region which is linked socially, economically, politically, and pschologically. When we talk about "Washington," we are really talking about an area which encompasses everything inside the Beltway and beyond. Our transit systems, water and sewer systems, communication and power links, and employment centers make us one community. The District apparently does not like that. Like it or not, it is a fact. I would suggest that the District learn to understand and live with that fact, that reality.

Mr. Speaker. The Congress is now engaged in its annual review of the $3.137 Billion budget of the District of Columbia. As you know, under the Home Rule Act, it is Congress which has final authority over the budget. Under the terms of the Home Rule Act, no funds may be obligated or expended by any officer or employee of the District of Columbia government unless that amount has been approved by an Act of Congresss. The funds may, of course, be spent only according to the Act.

It is a major responsibility for us as stewards of this city, our Nation's Capital. While the locally elected Mayor and City Council are charged with the responsibility to formulate a budget for Congress to consider, the priorities which are finally adopted are to be established by Congress.

Let me emphasize that it isn't just that Congress has a legally defined role in this budget that we should be concerned about the priorities whicha re established. As the budget is set, Congress also appropriates various Federal Funds. The City has requested some $497,560,000. for the FYK-90- Budget. That would consist of the following:

1. A Federal Payment of $430,000,000;

2. St. Elizabeths Hospital transfer assistance of $15,000,000; and,

3. Retirement Contributions of 52,070,000.

The City would also receive an additional payment for Water and Sewer Reimbursements of 34,470,000 and, if approved by both

Chambers, an increase in the Federal Payment of $23,149,000 dedicated to the hiring of 700 additional police officers. No other city in the County receives this level of Federal government support. Yet, it seems as though the City faces one financial crisis after another. In a City with an estimated population of 620,000 residents and a more than $3 Billion budget, it should be possible to accomplish all of the essential governmental tasks without repeatedly crying for more Federal funds or more taxes.

As the Committees of Congress review the proposed City budget, let me suggest that we need to encourage the City to set some clear priorities. They need to set some values on what is important for government to perform and they need to look at innovative ways to deliver services to those who need them. The fact that something has been done a given way for so many years does not mean it must continue to be done that way. The fact that a service has been delivered by government for many years does not mean that it need continue to be delivered by government. Perhaps the time has come for a change.

In reviewing the budget, I am prepared to suggest a number of these changes. They range from the minor to the very major. Some of them are decidedly contrary to the conventional way we have done things over the past many years. Some of my suggestions may turn out to be impractical. Reality, however, requires that we question the conventional wisdom. The failure to do so will, in the longer run, mean higher taxes to support services that may be outmoded, unwanted, or cheaper to deliver in other modalities. If the priorities are misplaced by a failure to question the conventional wisdom, it will also mean that needed services, newly desired services, and better delivery systems will not happen, will not occur. The end result is higher taxes, lessened services, and a much more poorly run City. We are headed in that direction now; if we don't change, the City will simply deteriorate before our eyes. As one of the Stewards of this City who sits on the Committee of the District of Columbia, I do not intend to allow that to happen.

So, what should be changed? I start with the Operating Budget which, itself, totals $2,992,100,000.

The first place of change should with the ADVISORY NEIGHBORHOOD COMMISSIONS. While their activitites and resources are set by the Home Rule Act, there is nothing which precludes Congress from cutting the resources and how those resources may be used. These Commissions have an important role in making recommendation on planning and zoning issues. They do not, however, need $1.172 Million. Their resources could be cut by half and limited to the purchase of materials for local schools, police, and environmental needs. That would SAVE $586 Thousand. If all funding were eliminated, that would SAVE $1.175 Million.

The second change ought to be with the OFFICE OF THE MAYOR. The FY-90 Budget seeks 31 Appropriated and 19 non-Appropriated positions for a total of $1.715 Million. These fifty individuals do perform important tasks. The question is not that they are unimportant. The question is whether the Mayor is going to set the standard for cutting the fat in City employment. Some of the tasks which the budget document notes might well be performed elsewhere; some probably ought not be performed at all. Obviously the Mayor's schedule needs to be managed in the Mayor's office. Shouldn't, however, legal opinions be prepared for the Mayor by the Corporation Counsel and labor managment issues reviwed and brought to the Mayor by the Office of Personnel? This may well be unnecesary duplication which hinders the decision making process by those at departmental levels who are charged with making these decisons. I think it ought to end.

If, however, it is determined that the Mayor's Office is appropriately sized, what is the proper function of the OFFICE OF THE SECRETARY. This office combines archives and records managment along with the numerous ministerial and ceremonial duties for the Mayor, maintenance of the Mayor's mailing lists, and the processing of complaints and inquiries directed to the Mayor. It is, in fact, part of the Mayor's Office in that broad sense of the term. While the FY-90 Budget shows some changes which decrease the amounts sought for this function, those have resulted from transfers -- not real reductions. I would propose a careful review of this function and the Mayor's Office with a view of enhancing coordination and eliminating some substantial number of positions and expenses. This function spends some $2,124,000. Surely we can SAVE something if just $700,000.

Another area of concern which I view as part of the Mayor's domain is the OFFICE OF COMMUNICATIONS which has a budget of $508 Thousand. Surely there is a need for centralized and coordinated communications. But, how does this office relate to the distribution by the Mayor's Office of a Monthly Community Service Bulletin, the Office of the Secretary's mailing lists, and their own myriad publications including a 16 page quarterly magazine? It been suggested that this office has as its primary responsibility the care and feeding of the Mayor's political interests. I hope that is not true. Whether or not it is true, the office ought to be eliminated for it duplicates much of what is done in the Office of the Mayor and the Secretariat. If there is an essential function, it can be transferred. We need to have our priorities re-aligned to reflect reality and the Mayor needs to lead the way and SAVE another $508,000.

It is, candidly, difficult to assess how much could be saved from the OFFICE OF PERSONNEL. which has 387 positions and budget of $15.653 Million. We know from the public discussions that this office has been engaged in providing some kind of services to the Government of the Virgin Islands. If there are resources sufficient for this office to devote to the Virgin Islands, I think there are more resources than are needed. More importantly, while there been numerous complaints about the speed by which this office processes various claim forms and a commentary in the budget materials about expected delays resulting from Council and court mandated hiring requirements, the long term answer will not be found in additional personnel so much as it is to be found in new procedures, new priorities, and increased automation. One area where limited SAVINGS could be achieved would be by authorizing the Police Department to establish its own personnel function as well as to recruit and hire.

The DEPARTMENT OF ADMINISTRATIVE SERVICES proposes to spend $29.281 Million with 448 positions. This is less than was proposed last fiscal year since 45 vacant positions and other reductions have been taken. That is not enough. More to the point, this is an agency whose overall philosophy ought to be reconsidered. The agency ought to operate in a reimbursment mode thereby putting the recipient agency to task for any requested service or good. Some of that surely is done; how much is unclear from the budget submissions. Overall, one might not save much money with a revamped operation. What would be achieved, however, is greater efficiency which are savings by a different name.

The ADMISSION TO STATEHOOD programs seek $150,000 to be equally divided between the Statehood Commission and the Statehood Compact Commission. These two bodies have as their objective the establishment of the District of Columbia as a state. Congress has not spoken favorably towards this proposition; indeed there is substantial opposition to it. It ill behooves the Government of the District of Columbia to use taxpayer funds and some proportion of Federal Funds to lobby on behalf of statehood especially at a time when all resources of the City are greatly taxed. Elimination of this item, which could be funded from private sources, would SAVE $150,000. A model which might be followed would be that of the BASEBALL COMMISSION which has ended its reliance on City funds. The Baseball Commission will seek private funding.

The OFFICE OF THE MAYOR FOR ECONOMIC DEVELOPMENT has responsibility for management, supervision, and leadership of eight cluster agencies plus direct oversight of the Office of Banking, and Financial Institutions. Much has been made about the importance for the City to have its own bank regulator. Federal regulation in the Nation's Capital ought, however, be sufficient and, except as Congress might otherwise decide, Federal policy ought to be the rule governing banking practices in the Nation's

Capital. Elimination of the Office of Banking and Finance Institutions could well SAVE 8 positions and $653,000.

A number of the cluster agencies which report ot the Office of the Mayor for Economic Development are subjects for restructuring or elimination with a realization of substantial savings.

For example, the OFFICE OF INTERNATIONAL BUSINESS could well be combined with the Office of Business and Economic Development for SAVINGS upwards of $502,000. Additionally, if the objective is to enhance business opportunities for small and minority businesses, the successor component to the MINORITY BUSINESS OPPORTUNITY COMMISSION, which has now been placed with the new Department of Human Rights and Minority Business Development, could also be combined with the Office of Business and Economic Development with SAVINGS upwards of $1.056 Million.

One area which requires substantial review is housing. There are several programs in this vital area. In the budget documents they are characterized as the Department of Housing and Community Development, the Department of Public and Assisted Housing, The Housing Finance Agency, and The Housing Assistance Fund. All together, these programs require something on the order of $216 Million.

The DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT $69.234 Million for programs including homesteading, home purchase assistance, and rehabilitation loan financing. These programs, alone, costs a total of $8.214 Million. No doubt these are valuable programs. However, in a period of needed fiscal austerity, it is difficult to justify a program like the like home purchase assistance which will produce only 380 loans for a total of $5.514 Million. Cutting back on these programs for just one year would go long ways towards balancing the budget.

The DEPARTMENT OF PUBLIC AND ASSISTED HOUSING seeks $112.299 Million to modernize and acquire units through lease, rehabilitation and repair so as to enhance the supply of low and moderate income housing in the City. It is a truly admirable goal. How much, however, should a financially strapped city spend in any one year? No doubt that maintenance operations must be maintained or even enhanced. How much of these programs, however, could be turned over tenant councils with appropriate support from the department? Surely, that would lower some costs and improve the level of maintenance. Has it been tried? I doubt it. We could go through each component here using the smae kind of analysis and probably find some significant savings. More importantly some things can be deferred. Like in most financial matters, there are priorities which can and msut be set. There are not unlimited funds and sometimes we have to delay or stretch out programs for a year or two or even three. There have been some reductions taken in making this budget; they are not, however, enough to meet the kinds of demands which have been placed on the City by other circumstances. In a program of this magnitude, I would anticipate that SAVINGS in the order of 10% should be possible for at least one or two years which would amount to $11 Million.

The HOUSING FINANCE AGENCY, on the other hand, spends something on the order of $2.459 Million to raise private funds in the private capital markets to aid single and multi-family housing and homeownership. The agency expects to raise some $130 Million to develope 1,529 multifamily units and $110 Million for single family loan financing. This appears to be a cost effective program and represents the development of a public-private partnership which more programs should seek to emulate.

The HOUSING ASSISTANCE FUND is a new program which, at a cost of $32.9 Million for FY-90, will seek to "provide maximum flexibility in moving homeless families from dependence to independence, and to maintain low and moderte income families within private dwellings." Presumably this is what the whole housing program is about. Somewhere and somehow we have lost the direction of the department. No one wants to shortchange the homeless; but, we need to question whether this program is the way to help them and whether it is duplicative of other programs thereby adding unnecesary costs.

The DEPARTMENT OF EMPLOYMENT SERVICES operates more than 30 programs with local and federal funds totalling $74.265 Million. These programs range from the payment of unemployment compensation to the Summer Youth Employment program, the monitoring of labor standards, and pre-Apprenticeship training programs. Like most government programs, each of these is, too, well intended. Like many well intended programs, they become embedded in the function of expected government services which, in this instance, results in government becoming the employer of last resort. That is neither good policy, good government, or good economics. It is has been suggested that SAVINGS of upwards of $2 Million or even more could be achieved with careful paring and the development of employment strategies.

The DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS with 903 positions and a budget of $41.117 Million needs a very careful reasssement of its mission. That becomes especially evident from a review of the City's own budget document which requests 109 positions and $8.370 Million for expenses of the Director, the Controller, Administration and Management. That is about 20% of the total costs of the entire department and, in my view, quite excessive. The budget narrative states that this cost center provides executive direction and support to the operating administrations and that this cost center includes administrative and management support, legislative assistance, correspondence control, ADP development, Women's Program Support, public affairs, budget, accounting, procurement, and support services. Very little program given, really, for a very substantial sum of money. Surely, we can SAVE at least $2.79 Million or one third if we try.

It is not just administration, however, that is expensive in this Department. There are 16 positions and $487,000 allocated to consumer education and information. That is also excessive.

The most egregious expense, however, is that which is associated with the Rental Accomodations Program or rent control in the District of Columbia. Without even addressing the efficacy of rent control when it was initially adopted, it has now become outmoded and harmful to the maintenance of a low to moderate income housing stock and antithetical to the creation of new rental housing. The elimination of rent control could well result in SAVINGS approximating $1.4 Million.

There was a fair amount of discussion about the impact that the smaller FY-90 budget would have as against the FY-89 budget.

There is no doubt that it is smaller and, if current thinking and current practices do not change, it will mean lnger license processing times and fewer inspections. It doesn't have to be so. With innovation in some areas, such as private inspections in new construction for example, both time and costs could be saved.

The PUBLIC SERVICE COMMISSION has tended to receive high marks from those whom it regulates. The PSC does seek reimbursement for on-site audits and it does impose other charges such as registration fees for customer owned coin telephones. With a careful eye on potential conflicts, it could probably increase its charges thereby lessening its impact on the appropriated budget. I would encourage it to do so with a view of SAVING an additional $500,000 or more.

The area where substantial savings could be achieved would be by the full allocation of costs to the regulated utility by the Peoples Counsel. That would mean a return to approvals by the PSC for reimbursement of incurred expenses and possible reviews by the Courts in disputed cases. We could, however, SAVE $2.022 Million. If, at the same time, the TAXICAB COMMISSION were abolished and its functions given over to the PSC, an additional $1.820 Million could be saved.

Another body which could be eliminated with SAVINGS of $787,000. is the CIVILIAN COMPLAINT REVIEW BOARD. Their function is to investigate and adjudicate public complaints of excessive, force, harrassment, and improper language made against police officers. The current backlog is presently on the order of 912 cases. More importantly, the board has been racked with dissension, a sense of bias against police officers, and an insensitivity to the nature of police work. The board has failed to increase accountability, decrease suspicion, or to create the kind of community bond and understanding which police must have in order to function well with the community. In enacting and funding a requests for 700 additional police officers, the House of Representatives imposed a required that the City develope a COPS (Community Oriened Police Service) program which when developed will replace the need for this board.

The UNIVERSITY OF THE DISTRICT OF COLUMBIA is seeking $76.088 in appropriated funds for FY-90. While it is a land grant institution created to provide educational opportunities at minimal costs to students, the present tuition schedule is rediculously low. Full time undergraduates can attend at a costs of $332.00 per semester or $664.00 per year as opposed to $11,000 per year at another local University. Non-District of Columbia residents need pay only slightly more -- $1,232.00 per semester or $2,464.00 per year. Certainly the District needs to encourage higher education learning but there are sufficient loans and grant resources which would make it possible for the Univeristy of the Distirct of Columbia to be less a burden on the City's financial resources. At a minimum, the University of the District of Columbia should double its tuition over the next three years and double it again over then next succeeding two years. At the end of this five year period, tuition would then be only $1,328.00 per semester which is still a bargain. Over the next two years, tuition should again be doubled.

Additionally, the University should seek to define it mission. Presently, it offers six certificate, 44 associate, 68 baccalaureate and 17 master degree programs. There are continuous discussions about whether to offer doctoral programs. In light of the present financial resources generally available, the University would do well to offer solid 4 year programs that result in respected baccalaureat degrees. At a point when the University is essentially financially self-sufficient and its graduates are sought-after, consideration of post graduate degree programs might then be appropriate. This scenario should result in substantial savings both in operating expeneses and in capital needs.

The DISTRICT OF COLUMBIA SCHOOL OF LAW should be abolished which would create savings of $3.965 Million. It has been suggested that the law school be made a part of the University of the District of Columbia. The University is unable to take this burden. More significantly, the history of the creation of this law school comes more from a desire to resurrect a philosophical teaching and learning style than it rises from any demonstrated need for an additional school of law in the Nation's Capital. It is a philosphical luxury the City can ill afford.

The PUBLIC LIBRARY is an important resource which must be enhanced if it is to serve the citizens especially in a period of tight finances. To do so, it must increase its reliance on development programs which encourage citizens to support the library with substantial gifts or bequests as well as gifts of books, records, films, and other materials much as many non-profit charitable institutions presently do. That the library appears unable to project any revenues from voluntary funding sources suggests that they may not be as aggressive in seeking such funds as they they need to be. While no one would suggests that there be cuts in library resources, the City probably cannot assure additional growth in this budget function.

Like the Public Library, the COMMISSION ON THE ARTS AND HUMANITIES represents the type of program and amenity which softens the harshness of urban living. Just as the Library needs to develop other resources aside from governmental funds, the Commission on the Arts and Humanities must, too. The Commission anticipates receiving about $352,000. or 10% of its appropriations from Federal Grants. It should be able to raise something approaching that amount from other sources as well.

The DEPARTMENT OF HUMAN SERVICES is the single largest component in the budget of the District of Columbia with 8,943 positions and 1.075 Billion in appropriated resources which includes $374 Million in expected Federal funds. It has also been the department hardest to manage.

Of particular concern to Members of the Committee on the District Committee is the Youth Services Admnistration which has responsibility for youthful delinquency prevention and detention. These programs have been challenged in courts; a number of the youthful offenders have substantial criminal records accompanied by numerous escape attemps which challenge the sobriquet of youthful offender. In light of past problems, one might wonder whether it should be retained in this department under the direction of the Commission on Social Services. The $39.893 Million and 582 positions might well be better utilized in a revamped Public Safety and Corrections Department.

A broader view concern goes to the organization of the department. One example for which some additional explantion would be helpful is the Preventive Health Services Administration with several bureaus for each of cancer, tuberculosis and venereal disease control. There may be good and substantial reason for this management scheme; but, it does appear to be overloaded from a review of the budget submissions. There are similar management issues which ought to be raised thorughout this department. To the extent that funds may be saved, positions eliminated, efficiencies increased, that would allow the department to deliver the services it is charged to do.

The DEPARTMENT OF RECREATION seeks $34.752 Million which includes $33.706 Million in Appropriated funds and 573 positions. Executive support and Administration control for the entire department is expected to require $7.688 Million and 94 positions. While the department has responsibility for numerous facilities and programs, there appears to be an excessive as it constitutes 22% of the total budget. Areas which might be reduced include the Office of Communications and the Office of Policy, Planning, and Evaluation with the resulting savings used to support actual services until such time as the finances of the City will permit these agency luxuries.

Some programs, particularly those associated with the Resource Development and Production function in the budget, may also be susceptible to enhanced private support. An example would be the Riverfest, Autumnfest, and the New Year's Eve celebrations. The department should, following along the suggestions made in the areas of libraries and the arts and humanities, seek to develope long term private funding programs. SAVINGS that could result from such an undertaking over the longer run and from a postponement or a reduction in the scale of some of these types of activites might well approach $2 Million.

In response to the growing number of Latino residents, the City has created an OFFICE ON LATINO AFFAIRS with a budget of $2.091 Million. While the needs of the Latino community need to be addressed in a coordinated fashion, creation of this agency at this funding level may be viewed as providing preferential treatment for some segments of society. There is, for example, no comparable agency for Asians. More services might be better prvided to a greater number of segments through a program designed to assist disadvantaged minorities provided it is based out of existing non-profit institutions such as the university system and their several law schools.

Other SAVINGS which might be achieved could come from the DEPARTMENT OF PUBLIC WORKS which, while it has already engaged in substantial budget modifications, can do still more with innovative thinking. One area would be through tigher controls over the number of vehicles used throughout the government to assure that only those persons who need vehicles have them. Another would be to assure that all vehicles are, in fact, accounted for in this inventory. It has been alleged, for example, that vehicles intended to be assigned to the metropolitan police, have been assigned to other agencies.

Innovative undertakings might include the sale of the right to collect and dispose of solid waste from private residences following the system presently used by the WSSC. That would tend to foster more efficiencies, smaller number of DPW employees, and, if properly done, create a whole new group of entreprenuers. The SAVINGS would not be as much as the expenditures on residential solid waste collection and disposal during the first year; in succeeding years, it should be substantial.

Innovative undertakings such as proposed for DPW need to applied to ENTERPRISE FUND OPERATIONS such as the Water and Sewer Utility Administration. This is an operating utility which is no different than the electric, telephone, or gas utilities. Given the managerial and financial needs of the local government, the value of plant and equipment, the customer base, and projected debt (which according to the City's budget documents could push the total debt service ratio above 10%), it would make sense to either create a public operating authority or to sell it for a profit to private operaters who could manage it much like other utilities which would be reulated by the PSC. Properly managed, such a sale could eliminate $228.174 Million in General Obligation Bonds used to support the Water and Sewer Fund. That represents an annual costs SAVINGS OF $24.484 Million in public debt service.

There are other areas where innovation ought to be considered. They would include the D. C. General Hospital which, if operated as a private fully independent hospital with a special relationship to the District Government might overcome both its image and its inability to attract, hold and pay for the dedicated high caliber staff it needs. There is no reason that D. C. General is not a hospital of choice; its location, space, and potential for growth makes it an ideal candidate for partner in a hospital group. That potential should be realized.

There are, undoubtedly, other ways the City can enhance it short and longer term financial well being. These would range from the organization and financing of the Convention Center and the Stadium/Armory Complex as well as any projected enlargement or new facility. Major reorganization in the area of public safety to assure that mandates of Congress are met without undue duplication would go a long ways towards assuaging concerns of whether the City is committed to the highest level of funding and support for its police, fire, emergency medical services, and corrections. Each of these requires substantial resources; they also require modern management techniques and modern tools including proper communications and information systems.

Most important, however, the City needs to carefully review its long term CAPITAL PROGRAM and decide how it can best manage its capital needs. Many programs, particularly those related to the infrastructure as evidenced in roads, bridges, and certain public buildings, cannot be postponed without severe consequences. On the other hand, use of private sector support in new the construction of correctional facilities and other public use buildings, including fire houses and libraries, might enhance both the value of the total project and lower the District's borrowing needs.

Some projects, following upon changes in the operating budget, might well be postponed or cancelled. Facilities for the new District of Columbia Law School, for exmaple, could well be cancelled if the law school were likewise cancelled. That would

SAVE $2.354 Million in capital costs for renovations plus additional costs which might be incurred in the future.

Likewise, the District needs to seek support for some projects from those who might want to make a substantial contribution that would have a permanent benefit. One project which could benefit substantially from such private support would be the proposed Department of Recreation's Performing Arts Center to be located in Ward 7. It would be a new concept in the construction of public facility in the District of Columbia; and, it would require new and different efforts by city officials. The results could, however, be substantial savings and renewed pride by many in City facilities. Similar efforts should be made in seeking funding opportunities for schools and housing.

The comments suggested here are not intended to be comprehensive. Neither are they intended to capture some given dollar figure. They are, instead, intended to represent a new way of examing budget expenditures in light of the needs for public safety, education, and deficit reduction. These comments are also intended to signal a change in Congressional perspective on the City's budget and the way the City assumed Congress' acquisence in these matters.

The City failed to reduce its General Fund Deficit in FY-88 by the Congressionally mandated $20 Million. Instead, it added $14 Million to the deficit. That means the City will have to seek an excess of revenues over expenditures of $54 Million if it is to meet its originally anticipated schedule of General Fund Deficit Reduction in FY-89. It is not likely to do so and Congress is unlikely to press harder than to merely note the fact. Nonetheless, it is matter of grave concern for left unchecked, the General Fund Deficit will once again grow to unacceptable levels.

The City needs, also, to increase its contributions to the pension funds. There is little doubt that the Federal Government's contribution ought to be increased beyond its present commitment of 25 annual payments totalling $1.3 Billion. The liability, however, rightfully belongs to the City and it is the City's responsibility to do as much as possible in the first instnace and to do so without awaiting further commitments from the Federal Government. While some might argue that the increased liability is derived from Federally mandated increases in public safety, the facts would show that the residents of the District were the primary beneficiaries of the increased patrols and the the marginal costs to the pension from these added public safety officers will have been met by the Federal contribution. There is no reason for the City dally in adding to its contributions or in making a commitment to do so in the future.

Finally, the City needs to focus upon its level of capital borrowings. The District of Columbia presently owes $2.366 Billion in capital debt which includes funds borrowed on the private market and from the Treasury for both Water and Sewer improvments and other capital expenditures. The debt service for this will amount to more than $250 Million. While that amounts to less than 9%, which is less than the statutory debt service to revenue ratio limit of 14%, when this debt considered in the context of the general fund deficit and the unfunded pension liability, it becomes more important than the percentiles would indicate since it is the only debt which readily controllable. It is also important to note the assumptions the City has relied upon in order to keep the debt service to revenue limit below 10%. Those assumptions include amounts anticpated to be borrowed; interest rates, fees, and maturities. Changes in any of these can affect the debt service with potential consequences for the City's rating.

All of us need to be cognizant of this City's financial management. We need, too, to take a more active role in the finances of the City. Afterall, we do make a substantial contribution to its operations by appropriating more than $430 Million for a Federal Payment, fèes, transition funds, and pension benefits. It is not a little amount of money and we owe to all of our taxpayers and to the citizens of the District to assure that the funds are well utilized.

PUBLIC SCHOOLS

STATEMENT OF WILLIAM SIMONS, PRESIDENT, WASHINGTON TEACHERS' UNION

Mr. DIXON. Next we have with us Mr. William Simons, president of the Washington Teachers' Union.

Mr. Simons, if you have a statement, I see it is a brief one, we will accept it for the record. If you want to highlight it or even read it, we will be pleased to receive that testimony at this point.

STATEMENT OF WILLIAM SIMONS

Mr. SIMONS. Thank you, Mr. Chairman.

I am William Simons, president of the Washington Teachers' Union, Local 6, American Federation of Teachers. It is indeed an honor and a pleasure to be able to present the views of the union on the D.C. budget.

The primary interest of the union, of course, is that section of the budget which provides funding for the D.C. public schools. The budget under consideration contains the amount of $500,579 million approved by the council of the District of Columbia. This represents approximately $12 million less than requested by the Board of Education. Even if the total amount requested by the Board of Education were granted, it would fall short of what is actually needed.

There is little value in taking the time at this hearing to recite the statistics which would clearly demonstrate the need. Those are on record and known to all. With the current state of affairs throughout the Nation it is known that more resources are provided for the criminal justice system than education. In spite of the years of financial neglect, the union is pleased to note that there were citywide gains achieved in the test scores this past school year.

The recently released report by the D.C. Committee on Public Education highlights the need for additional funding for the public schools. The report states that $150 million is needed to bring the schools into a state of repair which would provide a wholesome learning environment. In addition, $30 million is needed to provide air-conditioning so that programs could operate in the summer. Nearly all of the recommendations suggested have a price tag. The committee calculates that when all of the plans are fully implemented over a multiyear period, it would represent a budget increase of about 12 percent per year. Given the current climate this might be deemed an impossible dream.

While the union's primary concern is education, it also has a deep and abiding interest in the city as a whole. It certainly is an integral part of the movement which is seeking self-determination as it is enjoyed by all of the other citizens of these United States. The punitive actions taken against the residents of Washington, DC, in the last session of this August body were abominable. There are indications that similar actions are being considered as part of this year's legislative work on the appropriations bill for the District of Columbia. It is sincerely hoped that this is unfounded.

The Washington Teachers' Union would respectfully request that the budget presented by the council of the District of Columbia be enacted. While it does not fully fund what the Board of Education perceives as the need for the school system, it is their judgment and should be respected. Of course, there are ways in which the Congress could be of invaluable help to this city. It could restore the level of the Federal payment to its former position. It could go even further and develop a formula for the Federal payment which would enable more effective planning. Finally, there is an urgent need to revisit the unfunded liability of the retirement system for the teachers, police, firefighters, and judges.

The Washington Teachers' Union wishes to thank you for this opportunity to present its view on the D.C. budget for fiscal year 1990.

Mr. Dixon. Thank you, Mr. Simons, for being very brief.

Mr. Gallo.

Mr. Gallo. Thank you, Mr. Chairman.

Let me say, Mr. Simons, when we had the Board of Education we asked them, not only about being top-heavy with administrators but also about the conditions of the buildings.

Mr. Dixon. Senator Adams.

Senator Adams. We are glad to see you. I have no questions.

MUNICIPAL PARKING

STATEMENTS OF:

J. GEORGE FRAIN, 18TH AND COLUMBIA ROAD BUSINESS ASSOCIATION

HILDA RIVAS, PRESIDENT, 18TH AND COLUMBIA ROAD BUSINESS ASSOCIATION

PAT PATRICK, VICE PRESIDENT, 18TH AND COLUMBIA ROAD BUSINESS ASSOCIATION

HERBERT WHITE, VICE PRESIDENT, 18TH AND COLUMBIA ROAD BUSINESS ASSOCIATION

ELAINE MITTLEMAN, MEMBER OF THE DISTRICT OF COLUMBIA BAR

Mr. DIXON. Next we have Mr. George Frain who is with the 18th and Columbia Road Business Association. Welcome back again, Mr. Frain.

I see you have prepared testimony. We will be pleased to receive it for the record. If you would like to highlight it, I have to hold you to 5 minutes, though.

Mr. FRAIN. I have our president and two vice presidents with me today. I would like to share the 5 minutes provided if you would so that they can share their views and highlight the statement we have. First we have Mrs. Hilda Rivas our president and a leader in the Hispanic community of Adams Morgan.

STATEMENT OF HILDA RIVAS

Ms. RIVAS. Good afternoon. Thank you for giving me the opportunity again to testify before you. I come with the same problem that I came last year and maybe we can get some help.

Things in Adams Morgan are not better but worse. We have an extreme problem with the parking situation. They are ticketed up to 10:30 at night. We have not had any kind of help from the District. We have been many times to see the people at municipal parking. We have had officials coming into the area and we went through the sites we have already chosen and we think they are appropriate.

They come and go but they never do anything to help. Also, with the taxes, that they are ridiculing the small business people. It is on such a scale that many small business people are leaving the area. They are not giving any opportunity to small businesses and young professionals who would like very much to stay in Adams Morgan. So I would like very much to see if you could help us in some way because the problem is getting bigger and bigger and many people who have been there are having bad times and they are forced to leave, they are selling their business and going elsewhere.

I would like to see this time if you could take a good look and see if you can help us. Last year we came and we pled the same problems only this time they are larger. The District of Columbia has completely ignored us in Adams Morgan.

Mr. DIXON. And there is another gentleman.

STATEMENT OF PAT PATRICK

Mr. PATRICK. My comments are on parking. What can I say that has not already been said. I have lived in the Adams Morgan area 18 years. When I arrived there were parking places. If you could not find one, you could drive around the block two or three times and find one.

With the growth of the commercial area and especially with the growth of the economic standards there the apartments have been converted to condos and co-ops. With that in mind, with the conversions to co-ops and condos we have had vehicle impact.

If your apartment building was built before May 1985 parking requirements are not needed for the condos or co-ops. In my block alone there are five new ones which are going to impact minimally, at least 100 to 125 cars. Parking is at a premium. Residents blame the commercial establishments and the commercial establishments blame the residents for the parking problem.

Something must be done. The city takes in over $60 million in parking ticket revenues and not $1 has gone in to finding a new parking space to alleviate this problem. D.C. 108, the parking law was passed 9 years ago and not one space has been built. Under the Marshall Plan all of Europe was rebuilt in 10 years, surely we can have parking spaces under the D.C. law.

We are at grid block. Please help us get some parking in the Adams Morgan area. Elaine Mittleman is going to give us some time.

STATEMENT OF HERBERT WHITE

Mr. WHITE. Over the years I have noticed the bureaucratic process increase to the rate where they are squeezing the small businessman out of the city. The undefined and unexplained real estate assessments based upon market value appropriate and do not take into consideration the economic value of the business.

I have lost tenants in commercial spaces because the taxes have out distanced the rent. One building I purchased in 1974 for $45,000, the current assessment is $880,000. That, of course, is now passed through to the tenant. I am in the business of renting space as a commodity. This is not taken into consideration by the District's assessment process which is undefined.

Even though on the one hand for residential property they have at one point passed a speculative tax law where there can be commercial property, they have ignored that. With regard to municipal parking, there is now way in a nation where probably 30 percent of the GNP is involved with the use of automobiles, on the other hand you are ticketed, towed and your life is made miserable for owning one in a city where there is no effort made to provide municipal parking.

The planning commission does not even consider municipal parking when it makes plans. I sat in on a hearing on zoning 14th Street for encouraging artistic endeavors and theaters. At no point did they consider municipal parking. The requirements for small lot development have been to suspend in areas if you want small entrepreneurial development because the process of getting through the zoning commission to get exceptions is a 7 to 9 month to 1 year process.

The small single purpose businessman cannot afford the process. I just recently returned from a trip to Europe where, somewhere in France, Italy, Germany, little businessmen can survive and function, they manage to make parking available in medieval towns and on a 3-month trip I never had a problem with parking in the most impossible situations nor did I find a situation where the local enforcement officers as offensive as they can frequently get here.

Mr. **Frain**. In the interior bill the other day——

Mr. **Dixon**. You have about 30 seconds left of your 5 minutes.

STATEMENT OF J. GEORGE FRAIN

Mr. **Frain**. In the Interior Department bill the other day you voted $5 million for an arts program for the National Symphony and so on. I understand there was not a single objection on the floor although on the House side, although President Reagan and President Bush both opposed it. We think that parking is just as important as providing $600,000 for the Director of the National Symphony. We would like to suggest that we don't want any Federal tax funds. We are asking for the transfer of $10 million from the $60 million that the city takes in writing 1.9 million tickets a year from $15 to $100 each affecting residents, business people, shoppers, and business to this committee, we want something more than a paragraph in a committee report.

We think that in our area, Adams Morgan and the most car-impacted area in the city, we have 500 businesses and 6,000 employees. In Chicago, Governor Thompson gave Sears Roebuck millions of dollars over a 20-year period, $20 million. We get police protection but we get tickets, we get high taxes, taxes in our area have multiplied by 100 percent a year in many cases. We just think that this area, multiethnic, multicultural area of 50 different nationalities deserves more than we are getting.

We don't think home rule works, we think there ought to be a cap on taxes and spending just like there is in other States. Maybe we ought to secede. We are simply not getting the kind of attention that our area deserves and that most inner city areas deserve.

Mr. **Dixon**. Mr. Gallo, any questions.

Mr. **Gallo**. I have no questions.

Mr. **Frain**. Massachusetts has 5.7 million citizens and a $12 billion budget. We have 638,000 citizens and $3 billion budget. That is irresponsible. We don't think this committee and the Senate committee is on the job in guidance and helping the inner city. You leave it like a child without any guidance.

Mr. **Dixon**. Just a minute, Mr. Frain, I had some comments to make.

Mr. White, Ms. Rivas, and Mr. Patrick, I have chaired this committee for 9 or 10 years now. Obviously, every year we talk about the same issue and that same issue is home rule. I am surprised to hear you say that you don't believe in home rule.

Mr. **Frain**. But it is not working. Your committees are not giving the city the kind of guidance they should.

Mr. DIXON. I did not interrupt you. I would like to make my statement about this. I think in the main Congress and members of this committee believe in home rule. I recognize Ms. Rivas that your problems are very real.

I recognize the frustration of all the witnesses when they feel that the government is not responsive. But that is not an illustration that home rule does not work.

It is just an illustration that you have to apply more resources to get the attention of your representatives. The last thing I think you want us to do, I hope, would be for this committee or the Senate committee or the House of Representatives or the Senate to be mandating or directing where municipal parking lots should be in the Adams Morgan area.

Mr. FRAIN. We just want money. You can't do it with a paragraph in a committee report.

Mr. DIXON. That is the furthest thing from what the responsibility of this committee is about and should be about. So I encourage you to once again talk to your elected representatives at the local level. I encourage you to campaign actively to change those representatives. I don't know who represents the Adams Morgan area. But I don't think it is appropriate for this committee to engage in a municipal parking lot issue, as real as the issue is to you.

When Mr. Frain says a paragraph in the report language is not sufficient to get the job done, I don't think it is the responsibility of Congress to dictate the taxes rate or to determine where a parking lot shall or shall not go in this community. So we have a real disagreement on the philosophy of the right to govern here in the District.

I think you are well organized, you have a very good community that I frequent often. But if you don't like what your representative is doing, then I think you should make it clear that you are going to exert your best efforts to change that representative.

Ms. RIVAS. Can I ask a question?

Mr. DIXON. Certainly.

Ms. RIVAS. Then what is the meaning of us coming here if you cannot do anything to help us?

Mr. DIXON. That is what I am sure you don't understand, Mrs. Rivas, and that is the reason I made my point. The purpose of this committee is not to try to establish where, in your case municipal parking lots should be.

Mr. FRAIN. We're not saying that. We are saying here is a law on the books for 9 years. I helped get it through the city congress. But if this Congress and the House Appropriations Committee because it was, it was Sid Yates' committee that provided $5 million a year for the National Symphony in Federal tax funds that were imposed by not only Reagan but by Bush and both of them are pro-art.

But they said this was double dipping, we are not asking for Federal funds. We are asking for $10 million out of the $60 million in parking revenues that this city collects by the 1.9 million tickets.

That is the transfer of funds that we pay. Car owners pay it when they are visitors, shoppers or they come to visit the Congress. We think that that is not an appropriation. We think that is a proper request that some of that money which now all goes to metro.

Ms. RIVAS. I am sorry if I was wrong. I came here to see if we could ask the Congress to get our Mayor to listen better because for years we have been trying. They came around to justify the positions but they do not help at all. I think it is the responsibility of the District and if they don't do it, I thought this was my way to get them to do their job. That is my request, not that you should know where the parking should go or how the people should be taxed, but just to see if they do their job.

If you could help, that was my request.

Mr. DIXON. I will personally talk to the representative from your area to see if there is another side to this issue. But I just have a very strong feeling that it is not the prerogatives of this committee to earmark $10 million from District revenues for a specific purpose.

That is up to the legislative and executive branch of government at the local level.

Mr. FRAIN. We think you ought to talk to the Mayor, too. The Mayor signed the law, the City Council passed it. It is not just Frank Smith, our council member. The City Council's view was that there ought to be some parking. I testified at those hearings. The Congress provides parking for itself. I have been up here 20 years.

Mr. DIXON. Mr. Frain, I have heard those speeches before about the congressional parking. That does not solve your problem.

I just want to say to you finally, Mr. Frain, that I understand there is a problem about parking.

Mr. FRAIN. God bless you. Maybe you can talk to somebody.

Mr. DIXON. It strikes me when you say you do not believe in home rule.

Mr. FRAIN. I supported home rule but it is not working. Maybe Senator Brock Adams, head of the Transportation Committee knows that the subway is not the only solution. The subway provides transportation for about 20 percent of the populous. Our money from parking revenues all goes to metro. I think that is unfair. We are not asking for the $60 million money.

We are asking for one-sixth of what the city takes in every year. Everybody gets that when they come to Washington.

Mr. DIXON. Thank you very much, Mr. Frain.

[The statement follows:]

18th & Columbia Road Business Association
c/o Churreria Madrid Restaurant
2505 Champlain Street, N.W.
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Established 1920

Statement of George Frain, Secretary, 18th and Columbia Road Business Association, on the FY 1990 D. C. Budget:

Distinguished Members of Congress:

We are very pleased to be here today to testify. I am George Frain, and with me is Mrs. Hilda Rivas. She is president, and I am secretary, of the 18th and Columbia Road Business Association which is located in the multi-cultural, multi-ethnic Adams Morgan inner city area of the N.W. section of the city. Pat Patrick, V.P. is here also, as is our Vice President Herbert White.

Mrs. Rivas is a leading Hispanic business woman, and she is co-owner of the well-known Churreria Madrid restaurant on Champlain St. in our Adams Morgan area.

Chairman Dixon, we read in the Washington Post (June 26, 1989) that you predicted Congress will authorize the appointment this year of a commission to study changes in the city's Home Rule Charter.

Let us say that Home Rule government and the Appropriations Subcommittees on the District, and other Committees and subcommittees of Congress have not been responsive to some of the vital needs of the citizens and small business people of this city.

So we welcome the creation of such a study commission.

We have been up here several times to testify as to some of the things we need including municipal parking, but after nine years, nine long years, the city's Municipal Off-Street Parking facilities Act of 1980 has not been implemented and hasn't gotten one cent from your Appropriations subcommittee to make it a living breathing reality.

Meanwhile, as we will point out, Congress has provided ample parking facilities for itself and for other favored government agencies and for a very few others in certain locations such as the Kennedy Center.

We will also testify about 100 percent increases on both residential and business real property, which is not tolerated in most States most of which have adopted tax and spending caps.

Members of Congress who come from states with tax and spending caps have not lifted a finger to protect the city's small business people and its residents from the ever-growing demands for more taxes on real property in the District of Columbia.

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Hilda Rivas
Churreria Madrid
483-4441

Vice Presidents
Herbert White
Herb's
333-4372

Pedro [illegible]
Avignone Freres
462-2050

Robert [illegible]
[illegible]
667-4222

Pat Patrick
[illegible]
462-9336

Patrick Dwyer
Patrick's Good Food
462-5138

Treasurer
Pat Patrick
[illegible]
462-9336

Secretary
J. George Frain
1789 Lanier Pl. N.W.
387-3737

We would point out that high taxes and lack of parking are not the only problems faced by small businesses in this city. Red-lining by a major bank appears to be going on.

Federal programs such as urban renewal and the Federal Pennsylvania Avenue Development Corporation have displaced, with the help of tax funds, undreds of small businesses from the downtown area which Fortune magazine once called the "postcard area" of this city.

Land and buildings owned by small business people were taken in 1972 for $30 to $100 a square foot with the help of lawyers from the Justice Department and President Nixon.

Today, big foreign investors, including the Dutch, British, Canadians, and Japanese own much of that land which is now being bought and sold for $1,000 to $1,500 a square foot. That is a travesty in the name of justice.

For years, every U. S. President has said that small businesses are the backbone of the economy of this nation, that small businesses provide 95 percent of the jobs, and that they provide opportunities for minority people, and that they are the testing grounds for important new ideas and concepts.

There are an estimated 3,000 small businesses in the inner city area of Ward One, and it is estimated that there are more than 10,000 small businesses city-wide in D. C.

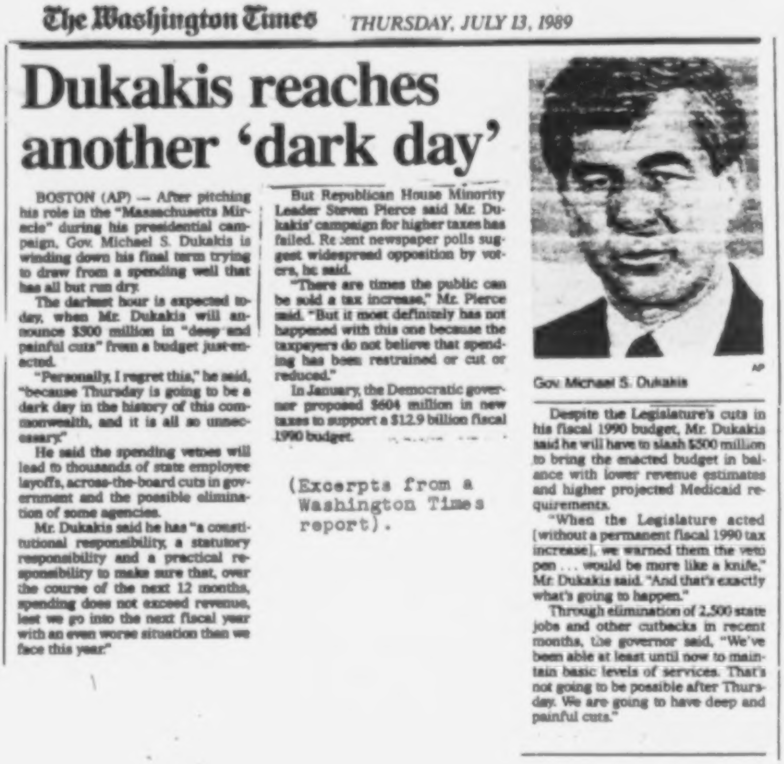
Heavens! According to one study there are 6,000 employees and 500 small businesses in Adams Morgan which is our base.

But the Washington Post (June 27, 1989) reported that Gov. James Thompson offered Sears with 6,000 employees an incentive package worth and we quote:

> "Sears, Roebuck and Co., ending a national bidding sweepstakes, announced today that it will move its 6,000-employee merchandize group from Sears Tower in downtown Chicago to suburban Hoffman Estates... The state offered an incentive package worth $61 million; local tax breaks were estimated at $178 million over a 20-year period."

In the District of Columbia, under the very nose of the U.S. Congress, big business and big foreign investors get all the incentives, and small business people are more endangered than snail darters, whales, and elephants.

3.



The Washington Times THURSDAY, JULY 13, 1989

Dukakis reaches another 'dark day'

BOSTON (AP) — After pitching his role in the "Massachusetts Miracle" during his presidential campaign, Gov. Michael S. Dukakis is winding down his final term trying to draw from a spending well that has all but run dry.

The darkest hour is expected today, when Mr. Dukakis will announce $500 million in "deep and painful cuts" from a budget just-enacted.

"Personally, I regret this," he said, "because Thursday is going to be a dark day in the history of this commonwealth, and it is all so unnecessary."

He said the spending vetoes will lead to thousands of state employee layoffs, across-the-board cuts in government and the possible elimination of some agencies.

Mr. Dukakis said he has "a constitutional responsibility, a statutory responsibility and a practical responsibility to make sure that, over the course of the next 12 months, spending does not exceed revenue, lest we go into the next fiscal year with an even worse situation than we face this year."

But Republican House Minority Leader Steven Pierce said Mr. Dukakis' campaign for higher taxes has failed. Recent newspaper polls suggest widespread opposition by voters, he said.

"There are times the public can be sold a tax increase," Mr. Pierce said. "But it most definitely has not happened with this one because the taxpayers do not believe that spending has been restrained or cut or reduced."

In January, the Democratic governor proposed $604 million in new taxes to support a $12.9 billion fiscal 1990 budget.

AP

Gov. Michael S. Dukakis

Despite the Legislature's cuts in his fiscal 1990 budget, Mr. Dukakis said he will have to slash $500 million to bring the enacted budget in balance with lower revenue estimates and higher projected Medicaid requirements.

"When the Legislature acted [without a permanent fiscal 1990 tax increase], we warned them the veto pen . . . would be more like a knife," Mr. Dukakis said. "And that's exactly what's going to happen."

Through elimination of 2,500 state jobs and other cutbacks in recent months, the governor said, "We've been able at least until now to maintain basic levels of services. That's not going to be possible after Thursday. We are going to have deep and painful cuts."

(Excerpts from a Washington Times report).

II. COMPARE MASSACHUSETTS WITH THE DISTRICT OF COLUMBIA

Massachusetts can be compared with the District of Columbia to yield some interesting results, budget-wise, for 1990.

Massachusetts with a population of 5,737,000 has a proposed budget for 1990 of $12.9 billion.

The District of Columbia with a population of 638,000 has a proposed budget for 1990 of $3 billion.

Massachusetts, under Gov. Michael Dukakis, is making a deep cut of $500 million, laying off thousands of state employees, making across-the-board cuts in government, and considering the elimination of some state agencies.

But no such major cuts ever have been proposed in the D. C. Budget by anyone including the U.S. Congress.

Gov. Dukakis has before this $500 million cut, already eliminated 2,500 state jobs and made other cutbacks in recent months.

But, now, Gov. Dukakis is quoted by the Washington Times (July 13, 1989) as saying that he has a

> "constitutional responsibility, a statutory responsibility and a practical responsibility to make sure that, over the course of the next 12 months, spending does not exceed revenue".

It appears to us that the Senate and House Appropriations subcommittees on the District of Columbia have a constitutional, statutory, and a practical responsibility to hold down the $3 billion D. C. budget, and require major cut-backs.

How can the Congress justify or support a $3 billion 1990 D.C. budget which is one fourth the size of the $12.9 billion fiscal year 1990 budget of the State of Massachusetts with its huge population of Massachusetts which at 5,737,000 is nine times larger than the District's 638,000 population?

Shouldn't the Congress, which surely has an important part in the city's budget process, insist on some cutbacks of major proportion in the District's budget?

Governments are cutting back everywhere except in the District of Columbia.

And, why shouldn't the Congress insist on a tax and spending cap in the District of Columbia? After all, as the Washington Post (July 1, 1989) said:

> "In the 11 years since California's proposition 13 most states have adopted tax and spending caps of varying severity."

Massachusetts has an interesting cap on spending, which should be put in place in the District of Columbia.

Pronto Press, a small but essential printing plant located in Adams Morgan at 2445 18th Street, wrote to Rep. Constance Morella complaining that their taxes had risen 400 percent from 1986 to 1990. We attach that correspondence.

A small housing co-op on Lanier Place where I have lived since 1959 received a 1990 assessment of $2,332,440.00, an increase of 120.2 percent in one year, our taxes increased that much.

These two cases, which are typical of the huge and we believe totally unjustified assessment and tax increases in this city would not have been permitted in those states which have tax and spending caps, states from which most members of Congress come from.

They tolerate and support here a budget process which by law is not tolerated back home.

The Maryland Court of Appeals, the highest court in Maryland, ruled in 1982 that state tax officials must assess commercial buildings on the basis of the rent they actually collect, not on the basis of the rent they theoretically could charge in the market. The Washington Post has reported that New York and Michigan have similar assessment laws.

We look to the Congress for help so that small-scale businesses can prosper in this great city.

We remind you of a statement by D. C. Councilman John Wilson, chairman of the City Council's Committee on Finance and Revenue which was published in the Washington Post (Feb. 5, 1984) in which he declared that--

> "Any further tax increases will only serve to drive out businesses, jobs and the middle class, making the District a city of the very rich and the very poor. No city can long survive with such a dichotomy., and the District is no exception.
>
> "Action must be taken now to turn this trend around and to make the District an attractive place for people and businesses to locate...The District must begin to live within its budget and to finance its future budgets with existing revenues."

Clearly, Home Rule isn't working to encourage young families to buy their own homes, go into business, and get a piece of the rock because the city's huge budget, and sky-high real property tax rates in the District of Columbia, prevents it, and discourages it. See attached memo to Councilmemer John Wilson.

Congress should take the lead in providing the same help here including tax and spending caps which most states provide to promote home ownership and business encouragement.

Many members of Congress have been highly critical of the District government, and much of that criticism is justified, but the Congress must do more than just point the finger to grab a TV spot or a newspaper headline.

The Senate and House Appropriations subcommittees on the District of Columbia have somehow failed to provide the kind of critical review of city budgets, and to cut back on spending and help put a hold on taxes to prevent 100 percent or more rise in taxes on real property. Other states have done this but it seems highly unlikely that the District government will take such a step without encouragement and guidance by Congress.

Home Rule is not true home rule in the matter of spending and taxes imposed on residents and small business people.

Because of the outrageous taxes and profligate spending by the D. C. government, in part at least, a Washington Post poll in May, 1989 found that 61 percent of city residents think the city government is inefficient, and 74 percent believe municipal corruption is a big problem.

III. CONGRESS GIVES $30 MILLION TO D.C.-BASED ARTS GROUPS BUT NOT ONE CENT FOR D. C. MUNICIPAL PARKING PROGRAM

The National Taxpayers Union in a recent mailing called to public notice the very generous financial assistance which Congress is giving to several D.C.-based fine arts groups this way:

> "$4 million is paid to subsidize programs for the performing arts in Washington, D. C., including the National Symphony Orchestra, whose music director is paid $600,000. Only the best entertainment for members of Congress and Washington residents; at taxpayers expense, of course."

When we began to look into this situation, we found that the Congress has been giving not $4 million, but $5 million each year to this D. C.-based program for six years, at a total cost of $30 million. This $30 million comes from Federal tax monies.

Further, we found that both President Reagan and President George Bush have asked the Congress to drop this program, on the sound grounds, so it seems to us, that it is a double-dipping program, since the D. C.-based arts groups are also funded by the National Endowment for the Arts. Congress insists on this arts program.

And we also were informed by staff members of the House Appropriations subcommittee on the Interior Department and related agencies that the House of Representatives included this $5 million program, without objection by a single member of the House of Representatives, in the huge billion-dollar Interior budget a few days ago. So Congress has now provided $30 million for this singular program with its double-dipping feature, which is for a very elite audience. But it has not funded municipal parking here.

And $600,000 for the music director of the National Symphony Orchestra? Isn't that several times what Members of Congress and the Supreme Court get? How can Congress justify this arts program?

WHY IS CONGRESS SO PARTIAL TO THE ELITIST NATIONAL SYMPHONY AND THE WASHINGTON OPERA AND OTHER FINE ARTS GROUPS GIVING THEM $30 MILLION WHILE NOT PROVIDING ONE CENT FOR MUNICIPAL PARKING TO HELP EVERYONE? CAN WE ISSUE A DECLARATION OF INDEPENDENCE TO ADVANCE HOME RULE?

Congress is partial with parking. For example, it has provided parking under House and Senate -owned land to serve its members, only.

It has co-opted city streets for blocks in every direction for its own parking, thus denying their use by taxpaying citizens.

It has provided parking in several Federal buildings, including the Kennedy Center, the J. Edgar Hoover building, at Union Station, at the National Air and Space Museum, and at other sites.

We are not asking you to appropriate Federal money to provide parking for visitors, residents, shoppers and business people.

All we ask is that you transfer $10 million of the $60 million the city collects each year in parking revenues to implement the Neighborhood Municipal Off-Street Parking Facilities Act of 1980, D. C. Law 3-108, codified in D.C. Code Title 40-803. Congress approved this law in 1980, nine years ago, but has never given it one red cent. This city appears to be the only city without municipal off-street parking, and Congress is responsible for this sad state of affairs.

IV. CONGRESS MUST ENFORCE THE COMMUNITY REINVESTMENT ACT IN D.C.

We appeal to you to do whatever you can to insist on meaningful enforcement of the Federal Community Reinvestment Act in this city. This Act was adopted 12 years ago to prevent "red-lining" of inner city poor neighborhoods.Congress agreed in adopting it that the more the private sector does to help, the less government has to do.

The Congress can see to the enforcement of this Federal law, but the District government has almost no means to do this.

We submit a letter we received from Chairman Henry B. Gonzalez, chairman of the House Committee on Banking, Finance and Urban Affairs, wherein he expresses his "high priority" interest in having Riggs National Corporation, the most powerful and richest bank in the Nation's Capital with more than $6.5 billion on deposit, comply with the Federal Community Reinvestment Act.

We urge you to take up Riggs' apparent red-lining of this city's poor neighborhoods with the House Banking Committee, the Federal Reserve Board, and the Comptroller of the Currency, all of whom have jurisdiction over national banks. We wrote to Rep. Walter Fauntroy, as suggested by Chairman Gonzalez but have not had a reply, in months. We submit, in support of our request that your Subcommittee act in this matter, a copy of a Riggs' press release dated October 23, 1987 which states-(I should add that I own 40 shares of Riggs stock and have raised these matters at the 1988 and 1989 stockholders meetings)--

> "A key feature of the Undertaking is that during the first five years the local Riggs banks will use their best efforts, consistent with safe and sound banking practices, to make at least $40 million in loans within the low-and moderate-income areas of the Washington Metropolitan area."

That piddling, scrooge-like sum isn't going to help much, it comes to about $2,700,000 each year in each of the Maryland, Virginia and D. C. jurisdictions. Compare this terribly insufficient amount with the commitment of American Security Bank in the District of Columbia alone as reported in its brochures and CRA statement for 1989, copies of which we submit as part of our statement. We quote:

> "In its first year alone, the Community Development Lending Group [of American Security Bank] originated more than $40 million in commitments to [D.C.] neighborhood projects. That amount has increased steadily so that within its first two and a half years commitments rose to nearly $200 million."

When you compare Riggs $2,700,000 commitment to the District, with the $200 million commitment of American Security Bank, it is clear that American Security Bank's commitment is almost 50 times as much. We, again, urge and request your Subcommittee to make some phone calls and write some letters and to take other steps to insist that Riggs do more in this city's low-and moderate-income areas.

Riggs has written off many millions of dollars in bad overseas loans. American Security Bank's president, Daniel Callahan III, says his bank's commitments in this city's inner-city areas are "profitable". Your committee might well keep this in mind in responding to our request, to encourage Riggs to do more in the city where it is located.

V. WE SUBMIT HEREWITH
A 7-STEP PLAN WHICH CONGRESS SHOULD SUPPORT TO HELP MAKE THIS CITY AN ATTRACTIVE PLACE FOR PEOPLE AND BUSINESSES TO LOCATE

1. Quit knocking this city and using it for political purposes to advance re-election campaigns for Congress. Help it, don't kick it.

2. Implement the Municipal Off-Street Parking Facilities Act of 1980 [D.C. Public Law 3-108, codified in D.C. Code Title 40-803], by transferring $40 million in the 1990 budget from the $60 million the D. C. Department of Public Works and the City takes in from parking tickets, meters, towing and booting etc. This city unfairly writes more parking tickets than any other U. S. city of like size, since it has no municipal off-street parking. All of this $60 million now goes to Metro, which is unfair to the city's car owners.

3. Support a rule that city tax officials must assess commercial buildings on the basis of the rent they actually take in, not on the basis of the rent they theoretically could charge in the market. Such a rule was adopted by the Maryland Court of Appeals in 1982. Some states now have such rules.

4. Set tax rates for small neighborhood businesses at the residential investor-rate of $1.54, down from the present real property tax rate of $2.03. It is unfair to tax small neighborhood businesses at the same rate as big downtown big businesses and foreign investors who are interested in diversifying their investments.

5. Establish tax and spending caps in D. C. similar to those which have been adopted by most states in recent years.

6. Require the D. C. Government to reduce the number of its employees. It now has 47,303 employees which is much more than any city of comparable size has. Such reduction, to the number of employees had in 1983, which was 38,721, would be healthy for the citizens and business people because it would reduce taxes by a large amount.

7. Take steps to see that the Federal Community Reinvestment Act is enforced in the District. It appears, for example, that Riggs National Corporation, the city's largest and richest bank with $6.5 billion on deposit, is now red-lining low-and moderate income areas and small businesses in the District of Columbia. For example, Riggs "Community Undertaking" provides only $2,700,000 for poor areas of the District, while American Security Bank has commitments of $200 million, fifty times as much.

We hope you will support these seven commonsense steps.

We are providing a number of exhibits illuminating and supporting these seven steps. See also attached June 12, 1989 testimony on reducing taxes on small business real property.

Thank you for the consideration which you have given us.

TESTIMONY - June 19, 1989

Submitted to: Councilman John A. Wilson
Chairman of the District of Columbia Committee on Finance and Revenue

Re: Hearings on Real Property Tax Rates

Submitted by: George Frain & Rob Grady on behalf of the 18th/Columbia Road Business Association

The City enthusiastically endorses the idea of small neighborhood business thriving in local communities. In fact, in recent re-zoning activities conducted by the Office of Planning in areas such as Wisconsin Avenue, 14th Street and Adams Morgan, the City continually maintains the crucial need to cultivate small businesses designed to service local residential communities. There exists an almost romantic version of a shop with apartments above, reminescent of an earlier era.

Additionally, no less a spokesman than the Mayor glowingly praises the essential nature of small business. In a self congratulatory manner at every available opportunity, he describes all that his administration has done to nurture community based business. He prides himself on the City's efforts regarding the down zoning along Wisconsin Avenue as preserving the traditional fabric of that neighborhood.

All of this heartfelt eagerness to help small business sounds terrific. However, is the small businessperson truly receiving assistance from his elected officials and from the City's administrators? As regards the issue of property tax, the answer is a resounding NO!

The City, in efforts to raise funds, is endangering the ability of small, middle class businesses to stay in the District. Washington real estate, has appreciatesd in value dramatically during the past several years. Property taxes in some neighborhoods are up over 400% since 1980! This is especially true in neighborhoods close to downtown. For example, 2457 18th Street in Adams Morgan for the past seven years experienced the following increases in assessed value:

1982	$ 226,500
1983	$ 226,500
1985	$ 300,000
1988	$ 630,000
1989	$1,025,000

This type of pattern is destroying the ability for small business people to plan their futures. That escalation in property tax, which in many cases now approximates $4 per square foot, could mean the loss of an employee, or a move to Silver Spring or Lanham. Small businesses cannot easily absorb property taxes soaring to over $1,000 per month for C-2-B townhouse space along 18th Street in Adams Morgan.

For the argument explaining that property tax escalations are offset by equity increases, there are two salient counterpoints. First, many of the properties are tenanted and in the vast majority of commercial leases the tenant is responsible for tax payments. Characteristically, the tenant is under either an absolute net lease or a base year lease. Under an absolute net lease the tenant pays all expenses from day one in the lease. In a base year lease the tenant pays for any increases above the landlord's tax payment in the first year of the lease. In Adams Morgan, these increases have been 100% in one year! Second, if a small businessperson owns the property he or she is getting rich with real estate, not with day-to-day operations. Therefore, a likely scenario unfolds as follows; the property is sold to a national or major retail chain, and the business relocates to Maryland or Virginia. Many of the larger chains replace vital services like locksmiths, shoe repair shops, and appliance stores, and offer instead higher priced goods. Is that what the City wants?

The property tax rate of 2.03 is too high. Properties zoned C-1, C-2-A, and C-2-B, established to service local residential communities, should not be taxed at the same rate as downtown office buildings or New York Avenue industrial properties. A tax rate analagous to the residential investor rate of 1.54 would ease greatly the over taxation of small businesspeople.

If the City sincerely cares to maintain middle class, neighborhood businesses, it must eliminate skyrocketing property taxes. Otherwise, the City's opinion of itself as a friend to small business is meaningless.

HENRY B. GONZALEZ, TEXAS, CHAIRMAN

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WALTER E. FAUNTROY, DISTRICT OF COLUMBIA
STEPHEN L. NEAL, NORTH CAROLINA
CARROLL HUBBARD, JR., KENTUCKY
JOHN J. LaFALCE, NEW YORK
MARY ROSE OAKAR, OHIO
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U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS
ONE HUNDRED FIRST CONGRESS
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RICHARD H. BAKER, LOUISIANA
CLIFF STEARNS, FLORIDA
PAUL GILLMOR, OHIO
BILL PAXON, NEW YORK

(202) 225-4247

March 27, 1989

Mr. John G. Frain
1789 Lanier Place, N.W.
Washington, D. C. 20009

Dear Mr. Frain:

I have your letter, and have made careful note of your concerns about compliance of Riggs National Corporation with requirements of the Community Reinvestment Act.

Effective enforcement of the Community Reinvestment Act is a matter of high priority with me. I am, as a matter of fact, seeking to improve compliance mechanisms in connection with the pending Federal Savings and Loan Insurance Corporation refinancing legislation.

However, I believe that the specific concerns you mentioned, might better be addressed through Delegate Fauntroy, and I suggest that you contact him directly with regard to your specific situation.

With best wishes.

Sincerely yours,

Henry

Henry B. Gonzalez
Member of Congress
Chairman

CONSTANCE A. MORELLA
8TH DISTRICT, MARYLAND

COMMITTEES:
POST OFFICE AND CIVIL SERVICE
SCIENCE, SPACE, AND TECHNOLOGY
SELECT COMMITTEE ON AGING

Congress of the United States
House of Representatives

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WASHINGTON, DC 20515
(202) 225-5341

DISTRICT OFFICE:
11141 GEORGIA AVENUE
SUITE 302
WHEATON, MD 20902
(301) 946-6801

June 6, 1989

Mr. Guillermo J. Haza
6112 Melvern Drive
Bethesda, MD 20817

Dear Mr. Haza:

Thank you for sharing with me the concerns you have outlined in your letter. I certainly can understand your frustration.

Though I do not have any legal jurisdiction over taxes in the District of Columbia, I have written to Mayor Barry about your problem and have requested a response from him. I will notify you of his answer as soon as he gets back to me.

In the meantime, should you have any questions, comments, or concerns, please do not hesitate to contact my District Office at 946-6801.

Sincerely,

Connie Morella

Constance A. Morella
Member of Congress

CAM:mws

The Washington Times

TUESDAY, JULY 11, 1989

Letters

D.C. must curb its outrageous tax increases

Your June 20 article about the delay in cutting the property tax caught the outraged feelings of citizens forced to pay ever-increasing taxes for ever-diminishing services.

On June 19, the hearing room was filled to overflowing and Councilman John Wilson, chair of the Finance Committee, was sympathetic. But on May 16, the City Council had voted a $91.6 million tax increase plan, and no nay votes were recorded or reported by The Washington Times.

A small, 16-unit housing co-op in Adams Morgan with which I am acquainted had its assessments increased from $1.5 million to $2,332,440 in 1990. The co-op paid $8,896.24 in tax year 1989, and will pay $19,570 in 1990. This is an increase of 120.2 percent in one year. The co-op appealed the increase, but the appeal was denied.

Pronto Press, at 2445 18th St. NW, is a small business with three employees. Its taxes increased 400 percent, from $3,600 in 1986 to $14,000 in 1990, at a rate of 100 percent each year.

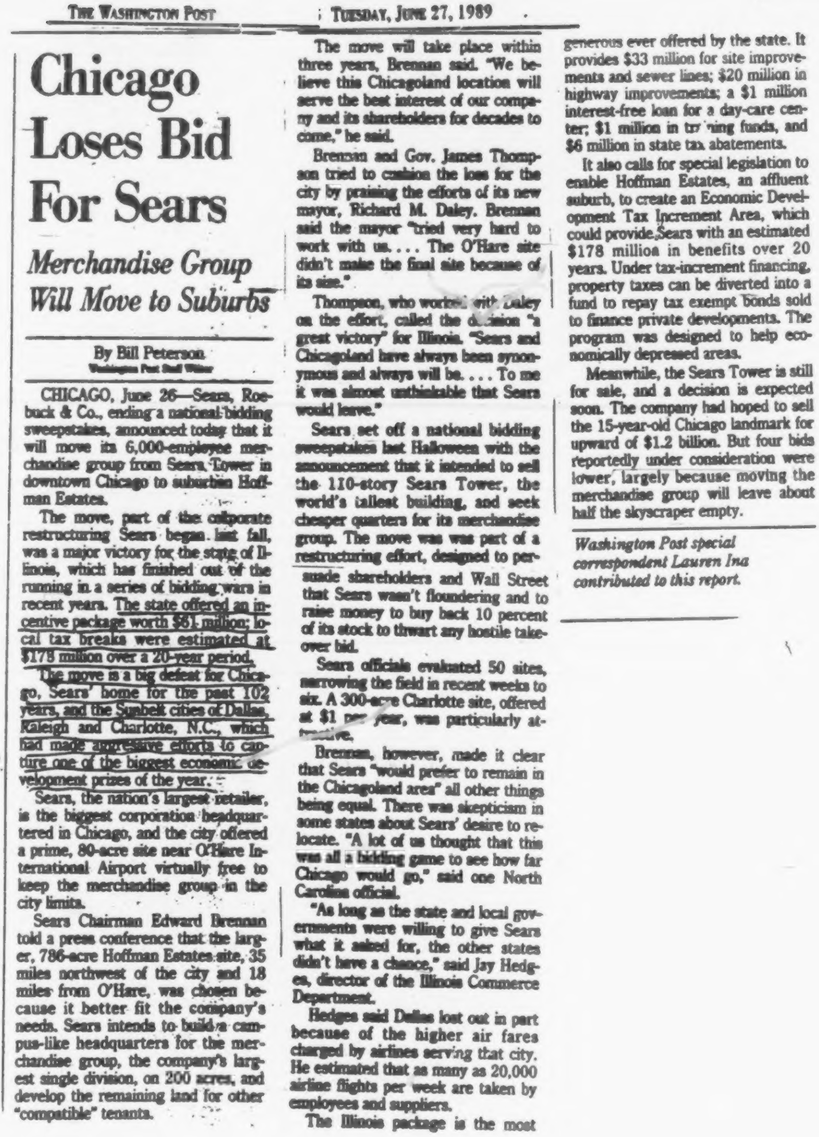
These taxes, the result of outrageous assessments, will go on increasing in order to pay for the city's huge number of employees — 47,303 — if this number continues growing at the present rate or the rate increases.

This is more employees per capita than any other city. What do they all do besides vote for Mayor Marion Barry and the present council members? I know of no large-scale decrease in the number of city employees.

It is time we seriously considered Mr. Wilson's advice, "Any further tax increases will only serve to drive out businesses, jobs and the middle class, making the District a city of the very rich and the very poor." Why do the mayor and City Council ignore such sage advice?

Some of our business members who also live in the city have suggested that homeowners and small businesses should join forces and push for a 2.5 percent Massachusetts-type cap, or restriction, on how far taxes are permitted to be raised each year. If it works in Massachusetts, it just might work here, and that could persuade Congress to expand home rule.

J. GEORGE FRAIN
Secretary
18th and Columbia Road Business Association
Washington



THE WASHINGTON POST TUESDAY, JUNE 27, 1989

Chicago Loses Bid For Sears

Merchandise Group Will Move to Suburbs

By Bill Peterson
Washington Post Staff Writer

CHICAGO, June 26—Sears, Roebuck & Co., ending a national bidding sweepstakes, announced today that it will move its 6,000-employee merchandise group from Sears Tower in downtown Chicago to suburban Hoffman Estates.

The move, part of the corporate restructuring Sears began last fall, was a major victory for the state of Illinois, which has finished out of the running in a series of bidding wars in recent years. The state offered an incentive package worth $61 million; local tax breaks were estimated at $178 million over a 20-year period.

The move is a big defeat for Chicago, Sears' home for the past 102 years, and the Sunbelt cities of Dallas, Raleigh and Charlotte, N.C., which had made aggressive efforts to capture one of the biggest economic development prizes of the year.

Sears, the nation's largest retailer, is the biggest corporation headquartered in Chicago, and the city offered a prime, 80-acre site near O'Hare International Airport virtually free to keep the merchandise group in the city limits.

Sears Chairman Edward Brennan told a press conference that the larger, 786-acre Hoffman Estates site, 35 miles northwest of the city and 18 miles from O'Hare, was chosen because it better fit the company's needs. Sears intends to build a campus-like headquarters for the merchandise group, the company's largest single division, on 200 acres, and develop the remaining land for other "compatible" tenants.

The move will take place within three years, Brennan said. "We believe this Chicagoland location will serve the best interest of our company and its shareholders for decades to come," he said.

Brennan and Gov. James Thompson tried to cushion the loss for the city by praising the efforts of its new mayor, Richard M. Daley. Brennan said the mayor "tried very hard to work with us. . . . The O'Hare site didn't make the final site because of its size."

Thompson, who worked with Daley on the effort, called the decision "a great victory" for Illinois. "Sears and Chicagoland have always been synonymous and always will be. . . . To me it was almost unthinkable that Sears would leave."

Sears set off a national bidding sweepstakes last Halloween with the announcement that it intended to sell the 110-story Sears Tower, the world's tallest building, and seek cheaper quarters for its merchandise group. The move was was part of a restructuring effort, designed to persuade shareholders and Wall Street that Sears wasn't floundering and to raise money to buy back 10 percent of its stock to thwart any hostile takeover bid.

Sears officials evaluated 50 sites, narrowing the field in recent weeks to six. A 300-acre Charlotte site, offered at $1 per year, was particularly attractive.

Brennan, however, made it clear that Sears "would prefer to remain in the Chicagoland area" all other things being equal. There was skepticism in some states about Sears' desire to relocate. "A lot of us thought that this was all a bidding game to see how far Chicago would go," said one North Carolina official.

"As long as the state and local governments were willing to give Sears what it asked for, the other states didn't have a chance," said Jay Hedges, director of the Illinois Commerce Department.

Hedges said Dallas lost out in part because of the higher air fares charged by airlines serving that city. He estimated that as many as 20,000 airline flights per week are taken by employees and suppliers.

The Illinois package is the most generous ever offered by the state. It provides $33 million for site improvements and sewer lines; $20 million in highway improvements; a $1 million interest-free loan for a day-care center; $1 million in training funds, and $6 million in state tax abatements.

It also calls for special legislation to enable Hoffman Estates, an affluent suburb, to create an Economic Development Tax Increment Area, which could provide Sears with an estimated $178 million in benefits over 20 years. Under tax-increment financing, property taxes can be diverted into a fund to repay tax exempt bonds sold to finance private developments. The program was designed to help economically depressed areas.

Meanwhile, the Sears Tower is still for sale, and a decision is expected soon. The company had hoped to sell the 15-year-old Chicago landmark for upward of $1.2 billion. But four bids reportedly under consideration were lower, largely because moving the merchandise group will leave about half the skyscraper empty.

Washington Post special correspondent Lauren Ina contributed to this report.

JULY 10, 1989 **The Washington Times**

Problems at the helm

Go figure. Depending on whose math you use, the District of Columbia's deficit this year will range from $25 million to $40 million or more. That means the city will have to trim budgets in order to satisfy its legal obligation not to run deficits.

Mayor Marion Barry accordingly has suggested a series of program cuts for the next year. He wants to pare $1 million from the Department of Human Services' AIDS treatment and prevention programs, $300,000 from the teen-age pregnancy prevention program and $1.5 million from drug abuse programs. That makes sense, until you find out that the new DHS director is buying $1.3 million in new office furniture — $1.7 million less than he'd requested. Go figure.

Somehow the city's top executives have failed to grasp the reality of the District's fiscal crisis. They spend like mad, as DHS Director Peter G. Parham demonstrated by ordering new shops and desks while giving the boot to people who actually provide health services.

But that's nothing. The agency paid $29,000 in interest for late payments to vendors. It lost hundreds of thousands of dollars in federal reimbursement money because it failed to submit receipts for foster care and emergency shelter programs, even though the federal government normally pays up to 75 percent of the costs of such efforts. If Mr. Parham wants to save money, he might want to start by demanding that DHS do its paperwork on time.

But the DHS isn't alone in its profligacy. The District has more public employees per resident than any other major American city. The D.C. Council wants the administration to start getting rid of unnecessary positions, but Mr. Barry barely has batted an eye. So far he's cut money only from programs with large and needy constituencies, knowing that many citizens will lobby to restore the funds. The council recommended cutting 318 positions which are paid $30,000 and up for a savings of $27 million, but the mayor hasn't touched his political patronage jobs. Nor has he tried to cut the part-time work force, offer early retirements or take advantage of energy and equipment savings.

The District has plenty of money. Its fiscal woes stem from the fact that it has an enormous, flabby bureaucracy run by managers who lack the ability or courage to fire people and improve efficiency. The mayor tries to justify this ridiculous situation by claiming that the District is a city and a state, but that won't wash. Every resident of the District, including its employees, knows better. If the beleaguered Mr. Barry wants to straighten the District's books and regain some of the public's confidence, he ought to start ferretting out numbskull administrators and insisting that District employees and agencies start doing what they get paid to do.

18th & Columbia Road Business Association
c/o Churreria Madrid Restaurant
2505 Champlain Street, N.W.
Washington, D.C. 20009
Established 1920

July 21, 1989

Directors

P.D. [illegible]
Kalorama Design
265-8377

Pierre Chauvet
La Fourchette
332-3077

Kathy [illegible]
Alexander Realty
223-1120

Joseph [illegible]
Riggs Bank
835-5700

Guillermo [illegible]
Prensa Press
745-0047

Joseph [illegible]
Cosmo Liquor
234-8200

Dick [illegible]
Lights Motif
332-2812

[illegible]
[illegible]
797-7073

John [illegible]
F and O Leasing
328-0332

Lazaro Rodriguez
El Mundo
387-2831

Jose [illegible]
El Latino
232-0447

Officers

President
Hilda Rivas
Churreria Madrid
483-4441

Vice Presidents
Herbert White
Herb's
333-4372

Pedro Lopez
Avignone Freres
462-2050

Robert Blair
Outlook Clothes
667-6222

Pat Patrick
Retail Broker
462-9330

Patrick Dwyer
Patrick's Good Food
462-5150

Treasurer
Pat Patrick
Retail Brokers
462-9330

Secretary
J. George Frain
1789 Lanier Pl. N.W.
387-3737

Hon. Julian C. Dixon, M. C.
Chairman, Subcommittee on the
District of Columbia of
the Committee on Appropriations
U. S. House of Representatives -Room H301
Washington, D. C. 20515

Dear Chairman Dixon:

We want to thank you for saying you will personally talk to the elected D. C. Government officials about including funds in the D. C. Budget to implement the municipal off-street parking facilities act of 1980.

We have also written to President Bush to ask him to help provide such parking, and to put a cap on spending and taxes. Such a cap is long overdue. Most states have adopted such caps in the past several years, clearly moved by the adoption of Proposition 13 by the state of California eleven years ago.

Please include this covering letter and our letter to President Bush which our president Mrs. Hilda Rivas sent to him, as part of our budget testimony on July 19.

The D. C. budget for fiscal 1990 is $3.4 billion, which is one-fourth the size of the $12 billion fiscal 1990 budget of Massachusetts which serves 5,737,000 people, while the District has only 638,000 people. Surely, something is amiss.

Respectfully,

J. George Frain

J. George Frain
Secretary, 18th and Columbia
Road Business Association

18th & Columbia Road Business Association
c/o Churreria Madrid Restaurant
2505 Champlain Street, N.W.
Washington, D.C. 20009
Established 1920

July 20, 1989

The President
The White House
Washington, D. C. 20500

Re: Aid requested to help
ethnic small businesses
survive--need parking
and tax and spending caps

Directors
P.D. [illegible] [illegible] Design [illegible]
Pierre Chauvet La Fourchette 332-3077
Kathy [illegible] Alexander Realty 223-1120
Joseph [illegible] Riggs Bank 835-5700
Guillermo [illegible] [illegible] 745-0947
Joseph [illegible] Como Liquor 234-8300
Dick [illegible] Light Motif 332-2812
Paulina [illegible] Paulina's [illegible]
John [illegible] F and G Leasing 328-0332
Lazaro Rodriguez El Mundo 387-[illegible]
Jose [illegible] El [illegible] 232-0447

Officers
President [illegible] Churreria Madrid 483-4441
Vice Presidents [illegible] White Herb's 333-4372
Pedro Lujan Avignone Frères [illegible]
Robert Blair [illegible] 667-[illegible]
Pat Patrick Retail Broker [illegible]
[illegible] Patrick's Good Food [illegible]
Treasurer Pat Patrick Retail Broker [illegible]
Secretary J. George [illegible] 1709 Lanier Pl. N.W. [illegible]

Dear President Bush:

I am writing to you to plead for help for our multiethnic inner city area of Adams Morgan located near the National Zoo and only one mile north of the White House. Our area has 50 ethnic restaurants, 500 businesses, and 5,000 employees. We get little help from government which helps people all over the world. What we get are huge tax increases and parking tickets with heavy fines day and night. This drives customers away as well as small businesses.

As to taxes, most states have tax and spending caps. Here, home and business taxes are increased as much as 40 to 100 percent in a year! NOTE: The AFL-CIO recently said big downtown business-owned real properties get huge rollbacks on taxes. Our home and business appeals are denied. Clearly, small neighborhood businesses should not be taxed at the same rate as big downtown investors, many of them foreign, Dutch, British, Canadian, Japanese etc.

These high taxes we pay are due to the huge number of employees on this city's payrolls, more than any other city of comparable size. Please call for a tax and spending cap here. Our budget is 1/4 the size of the Massachusetts budget.

Congress has provided extensive parking for its members and has co-opted nearby city streets. But in nine years Congress has refused, despite our requests, to provide one cent to implement a municipal off-street parking facilities act it approved in 1980 [D.C. Law 3-108 codified in D.C. Code Title 40-803]. D.C. writes 1,900,000 parking tickets with fines ranging from $15 to $100. From these, meters, etc. it collects $60 million and gives it all to Metrorail, which is unfair to all motorists, visitors, shoppers, residents and businesses and their employees. Other cities have municipal parking facilities because they pay for themselves, encourage trade and invite shoppers and visitors. They would help D.C. pay its way and would reduce the need for so much Federal aid.

Instead of such sensible help, Congress has given its support to a double-dipping $5 million annually-voted fine arts program which the Reagan-Bush Administrations have opposed. This arts program pays the National Symphony's music director $600,000, which is more that the President, members of Congress, and Supreme Court justices are paid. Over the past six years this program has been given $30 million by Congress. We ask you to call on the Congress to transfer $10 million of the $60 million in parking fees to

The President
The White House
Washington,
July 20, 1989 - Page Two

parking facilities in this great city without in any way involving one cent of Federal tax funds. Please call for this implementation of the D.C. Parking Act of 1980.

Inner city areas such as our multi-ethnic area, which are not served by Metrorail, desperately need a municipal off-street parking facility to enable small businesses to survive. Many have left already, others are barely hanging on.

Metrorail serves the Downtown big business area but does not serve our multi-ethnic area. Therefore, a municipal parking facility in our inner city area is justified. NOTE: Our small businesses cannot afford to build parking.

We do not think that Home Rule is responsive to the needs of our citizens. Chairman Julian Dixom was reported in the Washington Post (June 26, 1989) as predicting that Congress will authorize the appointment this year of a commission to study changes in the city's Home Rule charter. Something is amiss.

The comments of some members of the Senate and House appropriations subcommittees on the D. C. budget were not at all friendly or helpful when we testified before a joint hearing on these matters of deep concern to us on July 19, 1989. Why was this?

So, I will close this letter to you by requesting you to make sure that one or more leaders in the multi-ethnic, multi-cultural Adams Morgan community is appointed to the commission to study Home Rule which the Congress is to establish this year. Congress must stop kicking this city in re-election campaigns. May I hear from you at your earliest convenience?

Respectfully yours,

Hilda Riva

Mrs. Hilda Rivas
President
18th and Columbia Road Business Ass'n

c/o Churreria Madrid Restaurant
2505 Champlain St., N.W.
Washington, D. C. 20009

MUNICIPAL PARKING

STATEMENT OF ELAINE MITTLEMAN, MEMBER, DISTRICT OF COLUMBIA BAR

Mr. **DIXON**. Next we have Elaine Mittleman who is a member of the District of Columbia Bar. Ms. Mittleman I notice you have a prepared statement. We will be pleased to receive it for the record. If you would like to highlight your statement, this is your opportunity to do so.

Ms. **MITTLEMAN**. Thank you. The people who just got through speaking are my clients. I will have to reiterate something they said. The problem is we have been to the District officials. We have testified in court and done everything we know to do and you get disillusioned. I agree. I don't know what the role of your committee is. I hope it is something. It is not micromanagement at all. What happened since the last year I was here was they passed an amendment to the 1980 law to create a parking task force. That has done nothing. It is a classic example of a agreeing to agree. It is a stall tactic. I testified in front of Nadine Winter's committee at the time to try to get them to put some teeth in it. They said they were afraid the Mayor would veto it.

I said how are thing goings to get done? They said, Elaine Mittleman will have to file lawsuits. I don't think that is the way the government should work. These are successful, well-educated people who have taken time to come up here. I lose track of how many times we have testified.

I try to make sure I wear a different dress each year. This is getting silly. Some of my clients tell me they will not do business with the District of Columbia anymore. The people will say it is not worth it to me. What has happened in the last year is, the last years I know about, they issued something called fiscal year accomplishments which had some numbers in it. In 1987 Frank Wolf requested on my behalf that parking revenues, which are over $60 million be audited. That was denied. We are in litigation but this report which existed all the years I know of does not exist anymore. This is what supposedly substitutes for it which is about 9 months out of the year. The lag time for a fiscal year ending in September is July. It does not have quite as many numbers as this page. So I don't know what the parking revenue is in fiscal 1988. When we brought this to light they discontinued the report. That is all that has happened this year.

Mr. **DIXON**. Your basic point is that the revenues from ticketing should go to enhance the parking?

Ms. **MITTLEMAN**. That is a subpoint. The basic point—and I think Senator Adams knows this—it sounds silly, it sounds like a very individualistic problem, but it directly impacts the figures and the quality of life and the safety in the city. People won't drive in. Companies won't locate here. There need to be someone in the government who is in charge of parking, not tickets, but transportation matters in general.

People in the planning office never heard of the planning task force. That gives you a clue as far as how far that is progressing. There is nobody to call up the local government to say this is a problem in Adams Morgan or wherever, they don't know.

People in the grocery business, couriers, I have talked to them, and they all have a problem. You cannot get it through the local government.

I have written to Marion Barry. I don't know. You tell me.

Mr. DIXON. Is it your contention that there is available space in the Adams Morgan area for municipal parking?

Ms. MITTLEMAN. I don't know any more about that than you do. When I have to go over there George Frain waits out in the street and I drive by and pick up whatever it is. You cannot drive in front of the White House without your car getting its front end out of alignment. As soon as you enter Virginia, you will notice the difference in the streets.

The only person in charge in this District is in charge of collecting money. If you follow the letters in the Washington Post, and Times, they usually say the only part of the D.C. government that works is the person collecting parking tickets. There is somebody in charge of that but nobody in charge of anything else I have been able to find.

When we testified in front of Nadine Winter, John Ray made a bet with Mr. Frain that I would not win my parking case.

Mr. DIXON. Mr. Gallo, do you have any questions?

Mr. GALLO. I am a product of local government and we had a planning board. Most municipalities have planning boards that require adequate parking on site before they give approval. Does the District have the same requirement?

Ms. MITTLEMAN. I think the newer buildings have a zoning requirement like a half space per worker. That would only apply to that building. The law that was amended, there had been a law since 1940 that it was against the law for the government to have municipal parking and that has been amended. The whole issue has been politicized long before I ever showed up here. We are still suffering the results of that.

Mr. GALLO. Everyone who travels in the Washington area knows there is a parking problem.

Ms. MITTLEMAN. It doesn't take a Ph.D. to figure that out.

Senator ADAMS. You mentioned that I know something about the transport problem and the subway.

Ms. MITTLEMAN. Sorry, I have no background in the auto industry, sir.

Senator ADAMS. I agree with the chairman, this committee, so that everybody understands it, has people on it who work actively for home rule and, therefore, understand that municipal parking and issues like zoning are local government problems and this committee appropriates money for projects and sometimes we overstep that, but we try not to.

Ms. MITTLEMAN. I don't think I discussed any of that in my testimony.

Senator ADAMS. You did not. The municipal parking problem goes back to where people bought lots for speculation.

Ms. MITTLEMAN. Exactly.

Senator ADAMS. What I am saying to you is that every town of any major size in the United States has faced the same problem. Those that have kept muncipal parking have kept the small businesses, and their downtown areas. Those that have not—and I can name five in my State—have had malls constructed around them, and lost their downtown.

I am saying to you that local governments must make a decision on their transportation system, municipal parking, and otherwise. This committee cannot do that or your area will deteriorate from lack of parking being available.

Ms. **Mittleman**. That is what I just said.

Senator **Adams**. The final point is that the money was turned in to build the subway system plus enormous amounts of additional Federal money. It was supposed to cost $2½ billion, and it cost over $7 billion and probably closer to $10 billion. So we have tried to meet one part of the problem. But as the chairman stated—he and I both agree—I do agree I would like to see the Sears lot at Albemarle and Wisconsin made into municipal parking. But that is a local decision. There has to be land available. This committee, no matter how much we want to do it, cannot go out—it is not that we feel we are impotent or we don't do anything, it is just that we have heard you.

Ms. **Mittleman**. I am in total agreement. We came here because over there nothing happened. Nadine Winter said why do you people go to the Hill when you should be talking to us? We have been talking to them and year after year nothing happens. Do you want a revolution or something?

If you have a suggestion I would like to hear what it is. I have a lawsuit, written op-ed pieces in the Washington Post. I have hand carried material to the District Building. I don't know what else to do.

Mr. **Dixon**. Mr. Green.

Mr. **Green**. If the District of Columbia has learned to collect effectively on their parking tickets, I wish they would send someone to Mayor Koch in New York.

Mr. **Dixon**. Thank you very much, Ms. Mittleman.

[The statement follows:]

ELAINE J. MITTLEMAN
ATTORNEY AT LAW
2040 ARCH DRIVE
FALLS CHURCH, VIRGINIA 22043

TELEPHONE (703) 734-0482

STATEMENT OF ELAINE MITTLEMAN ON THE DISTRICT OF COLUMBIA BUDGET BEFORE THE HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEES ON THE DISTRICT OF COLUMBIA

July 19, 1989

The Parking Situation in the District

Representative Dixon, I am glad to see you again this year. Senator Adams, I welcome your stewardship on the District of Columbia and am pleased you are participating today, as well. I am quite familiar with your interest in transportation matters, so I trust the transportation problems in the District will be a subject on which you are already quite knowledgeable.

I represent a number of merchants and individuals in a lawsuit against the District about parking. When I testified last year, a law had just been passed to create a parking task force. I had urged that the law have some requirements for parking or some type of mandatory provisions to insure that the law really would be implemented. Unfortunately, as I had feared, the task force has done nothing, and has no staff or budget. Herb White, who operates Herb's restaurant and is well-known in the District for his encouragement of the arts, is a task force member. He told me that the task force is just an excuse not to do anything about parking. Similarly, the plans to utilize the city-owned incinerator site in Georgetown include a requirement for 400 parking spaces. The D.C. government has received proposals, but those proposals are being "studied," and there is no timetable for any action. The issue of parking has created most of the controversy about the proposed new Redskins stadium. It should be obvious to all that parking and related transportation matters, such as road and bridge maintenance, directly affect the economy, safety and quality of life in the District. Once again, as I stated last year, we need a Parking Czar, or at least a little accountability. The actions by the District government lead all thinking citizens to the worst form of cynicism.

Not only has nothing been done on the parking front (besides proposals to raise rates for meters and booting!), but the financial accountability on parking revenues has worsened. The audit requested by Frank Wolf in September 1987 has not been performed. Otis Troupe said that an audit should not be initiated while litigation is pending. It is obvious that is a bogus reason not to do an audit. The litigation is still pending and may be so for some time. Citizens should not have the financial accountability of government eliminated as a price of their bringing a lawsuit. Of course, the audit would in no way interfere with or affect the litigation, and I urge that it be performed.

My concern about the financial accountability for parking revenues has grown since last year. The D.C. government continues to use parking only as a cash cow, and to raise rates whenever possible. The District has discontinued the eight-page report, "Fiscal Year Accomplishments," giving financial and other statistics about parking, claiming a benefit in paperwork reduction. I can only surmise that the government did not appreciate our citing parking revenue statistics from that report, such as 1987 Fiscal Year revenue of $61.1 million. Now, I believe those statistics are not available.

To sum, since last year, the District has made no progress about parking, except for creating a task force. It has discontinued the report which gave the public at least some information as to what the government does in the parking area. This is a disturbing combination of inaction and obfuscation. I urge your committees to shine some light on this matter.

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004
(202) 724-8064

NADINE P. WINTER
Councilmember-Ward 6
Chairman Pro Tempore

Chairperson
Public Works Committee
Committee Member
Public Services and
Cable Television
Government Operations
Education

May 5, 1989

Attorney Elaine Mittleman
2040 Arch Drive
Falls Church, Virginia 22043

Dear Attorney Mittleman:

Your letter concerning the off-street Parking Task Force has been received and I am glad you took the time to share your concern.

This is to let you know that I am working hard and long to support the efforts of the Parking Task Force. A meeting was held in February, 1989 and I was told that plans are underway for the conducting of a study to see where off-street parking is most appropriate.

Thank you for taking the time to let me know of your interest.

Sincerely,

Nadine Winter

Nadine P. Winter
Councilmember, Ward Six
Chairperson, Committee on
Public Works
Chairman Pro Tempore

NPW/ph

ELAINE J. MITTLEMAN
ATTORNEY AT LAW
2040 ARCH DRIVE
FALLS CHURCH, VIRGINIA 22043
TELEPHONE (703) 734-0482

April 23, 1989

The Honorable Nadine Winter
Chair
Committee on Public Works
The District Building
1350 Pennsylvania Av., N.W.
Washington, D.C. 20004

Re: Parking Task Force

Dear Council Member Winter:

I am writing about the off-street parking task force. The law creating the task force was passed to improve the situation for neighborhoods by establishing off-street parking. I am writing to inquire about the status of the task force, what it has accomplished to date, and what the plans for the future might be.

In addition, I have been told that the Fiscal Year Accomplishments Report about parking matters has been discontinued, because of the "Indices" report. However, the information in "Indices" is not timely and does not contain the same data as the Fiscal Year Accomplishments. I would urge that the report be prepared once again. It is essential that citizens can learn what the government is about, and discontinuing a useful report sends the wrong message. Thank you for your assistance in these matters.

Sincerely,

Elaine Mittleman

OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR
The Presidential Building
415 12th Street N.W., Room 210
Washington, D.C. 20004

Otis H. Troupe
District of Columbia Auditor

727-3600

88:030:DW:kl

October 30, 1987

The Honorable Frank Wolf
Congress of the United States
House of Representatives
130 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Wolf:

I am in receipt of a copy of your letter to Mayor Marion Barry, dated September 16, 1987 concerning off-street parking facilities. In your letter you stated that Ms. Elaine Mittleman brought to your attention that parking revenues, collected in the District of Columbia, are included in the overall budget, but that the program itself has never been audited. You further stated that you believe an audit is essential.

The Auditor has been informed by the D.C. Corporation Counsel, Appellate Section that a law-suit brought against the District Government and Mayor Marion Barry, to provide off-street parking, is on appeal by Mr. George Frain, secretary of the 18th & Columbia Road Business Association. We understand from the Corporation Counsel's office that the original law-suit was dismissed by the D.C. Superior Court in June, 1987 but that Mr. Frain, and others, filed a document statement on June 26, 1987 appealing the decision. The Corporation Counsel's office indicated that it is waiting to receive further instructions from the Court.

It is the Auditor's opinion that since this case is still in litigation, it would not be prudent to initiate an audit of parking revenues collected by the District, at this time. I believe the audit process should not infringe in any way upon the litigation process before the Court. Once a final decision of the law-suit is rendered, the District of Columbia Auditor will be more than willing to conduct an audit review of the District's parking revenues if necessary.

Respectfully,

Otis H. Troupe

Otis H. Troupe
District of Columbia Auditor

PRISON CONSTRUCTION

STATEMENT OF CHRISTOPHER C. HERMAN, VICE CHAIR, CONGRESSIONAL CEMETERY ASSOCIATION

Mr. **DIXON**. Next we have Christopher Herman, from the Congressional Cemetery Association. As I understand it, Mr. Herman wants to testify on the prison construction.

Mr. Herman, if you have a prepared statement, we will be pleased to have you highlight that statement.

Mr. **HERMAN**. Thank you.

My name is Christopher C. Herman. I am vice chair of the Congressional Cemetery Association. The association appreciates the opportunity to present its comments on the fiscal year 1990 D.C. budget.

The association is a nonprofit, nondenominational volunteer organization that manages historic Congressional Cemetery, established in 1807. A series of congressional appropriations since 1823 make it, in the words of a 1939 report, the "first national cemetery created by the government." Well over 100 Congressmen were buried or memoralized at congressional expense, at the cemetery. It is also the burying place of notable Americans from the executive branch, Armed Forces, the arts, sciences and diplomacy, and other walks of life.

The association's comments will focus on congressional action needed to mitigate the adverse effects of prison construction within U.S. Reservation 13 on the adjacent Congressional Cemetery. They will also suggest related action to complete the creation of the Anacostia River Park under the jurisdiction of the National Park Service, also adjacent to the cemetery.

Notwithstanding the successful efforts of affected citizens to whom the availability of sites for prison construction in nonresidential neighborhoods—efforts induced by legitimate neighborhoods—efforts induced by legitimate concerns about the immediate and long-term impacts of such facilities in residential areas—plans to construct an 800 inmate facility immediately adjacent to Congressional Cemetery are proceeding. In this connection, affected residents have been stripped of their rights to invoke Federal law.

We regret to say that, despite our efforts and despite the repeated instructions of Congress that community groups be consulted, prison design has proceeded in a fashion that will maximize rather than minimize the impact of the prison on historic Congressional Cemetery. A concrete structure almost 100 feet high will loom directly over the memorials of Congressmen and the grave of J. Edgar Hoover.

To bring to the District's attention that there are major impacts, those efforts have been unavailing, I have attached some correspondence to that effect to this material.

Let me focus your attention on what we are talking about. I have watched in our materials the elevation of the prison as it would be perceived from Congressional Cemetery. It is immediately next to the cemetery. This is a tall concrete, aggressive design. The impacts that we have been concerned about had to do with massing in the first instance, visual intrusion in the second instance, and flooding in the third instance.

In the past Congress has taken an active interest in the preservation of Congressional Cemetery. In 1983 Congress provided $300,000 for infrastructure reservation. We hope that in the bicentennial year of Congress, Congress would act once again to assist the cemetery, mitigating the impacts of a federally funded and federally sited facility next to us.

First of all, we bring to your attention the visual intrusion, and use of landscaping. Our efforts to seek help in the District level have been unavailing. In order to screen the facility from the prison we would need to plant within the cemetery. In order to do this, an architect has estimated, based on figures supplied by the District, that it could cost $250,000. That is far beyond the resources of the association, which has only a $100,000 budget, all of which goes to maintenance of a facility that really we are doing on behalf of Congress on a voluntary basis.

With respect to floods, the existing site already discharges water into the cemetery. This is the result of two things: inadequate drainage on the prison site and deteriorated drainage in the National Park Service land adjacent to the cemetery. We would ask in this connection, for Congress to sponsor a review of the drainage design of the prison by a competent Federal entity, the Architect of the Capitol, the Federal Bureau of Prisons, to be sure these things are assessed in advance.

We ask jurisdiction of the culverts with the National Park Service. This would limit the District from contending that damage was not done in the construction site by their intrusion, but by other things they might point to if further damage results.

We ask then both to repair culverts now causing flooding in the cemetery and to address problems that will arise as a result of construction traffic going through the park and further damaging the culverts.

These are two sources of funding but obviously repair work should be done once construction has been completed.

Third, and finally, the cemetery's historic character, and it is on the National Register, is intimately associated with the open and pastoral quality, the feel of repose and quiet. The whole area of the Anacostia Park corridor is threatened with all kinds of development. Restoration 13 will be part of this problem if it is so intensively developed.

To maintain the character of the cemetery and also to provide important and needed recreational opportunity for the community and to carry out intensions of Congress, as expressed in the McMillan Plan of 1902, we urge that a park plan be developed to implement those provisions of the plan which was acquired in 1917.

Obviously, the committee's time is limited and I will not go into it, but the park land was meant to be a sister park to the Potomac Park. That dream has never been realized. It is time for this committee to take the lead in sponsoring such a plan by an entity responsible to the Congress that could exercise prompt judgment in this matter.

Thank you for this opportunity to present our comments.

Mr. DIXON. Thank you, Mr. Herman.

Mr. DIXON. Mr. Gallo.

Mr. GALLO. No questions.

Mr. **Dixon**. Senator Adams.

Senator **Adams**. I have no questions.

Mr. **Dixon**. Mr. Regula.

Mr. **Regula**. I have no questions.

Mr. **Dixon**. Thank you, Mr. Herman.

[The statement follows:]

Congressional Cemetery Association
1801 E Street, Southeast
Washington, D.C. 20003
(202) 543-0539

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TESTIMONY OF THE CONGRESSIONAL CEMETERY ASSOCIATION AT THE JOINT HEARING OF THE SUBCOMMITTEES ON THE DISTRICT OF COLUMBIA, HOUSE AND SENATE APPROPRIATIONS COMMITTEES, ON THE DISTRICT OF COLUMBIA BUDGET FOR F.Y. 1990 ON JULY 19, 1989.

My name is Christopher C. Herman. I am Vice-Chair of the Congressional Cemetery Association. The Association appreciates the opportunity to present its comments on the FY 1990 D.C. budget.

The Association is a non-profit, non-denominational volunteer organization that manages historic Congressional Cemetery, established in 1807. A series of Congressional appropriations since 1823 make it, in the words of a 1939 report, is the "first national cemetery created by the government". Well over one hundred Congressmen were buried or memorialized, at Congressional expense, at the cemetery. It is also the burying place of notable Americans from the executive branch, the armed forces, the arts, sciences and diplomacy and other walks of life. (See descriptive brochure, attached.)

The Association's comments will focus on Congressional action needed to mitigate the adverse effects of prison construction within U.S. Reservation 13 on the adjacent Congressional Cemetery. They will also suggest related action to complete the creation of the Anacostia river park under the jurisdiction of the National Park Service, also adjacent to the cemetery.

Notwithstanding the successful efforts of affected citizens to show the availability of sites for prison construction in non-residential neighborhoods--efforts induced by legitimate concerns about the immediate and long-term impacts of such facilities in residential areas--plans to construct an 800-inmate facility immediately adjacent to Congressional Cemetery are proceeding. In this connection, affected residents have been stripped of their rights to invoke Federal law.

We regret to say that, despite our efforts and despite the repeated instructions of Congress that community groups be consulted, prison design has proceeded in a fashion that will maximize rather than minimize the impact of the prison on historic Congressional Cemetery. A concrete structure almost 100' high will loom directly over the memorials of Congressmen and the grave of J. Edgar Hoover.

Accompanying this statement is an architectural elevation of the prison design.

The Association has expressed concern at all possible opportunities, virtually without avail, that the building masses be configured to place the bulk of the building away from the cemetery, that its facade materials and fenestration be rendered more compatible with the small-scale, Victorian character of the cemetery, and that the danger of flooding in the cemetery be addressed. Most recently, these concerns were placed before the Advisory Council on Historic Preservation and might have been addressed in the Section 106 process had that process been allowed to proceed.

In the past, Congress has taken an active interest in the preservation of Congressional Cemetery as a historic part of the history of Congress itself. In the latest in a 180-year series of actions, Congress in 1983 provided $300,000 for infrastructure restoration within the Cemetery under a grant to the Association administered by the Architect of the Capitol. In 1989, the bicentennial year of Congress, it is appropriate to ask that Congress act once again, this time to mitigate the impacts of a Federally-funded and Federally-sited prison adjacent to the cemetery.

Screening landscaping

To mitigate the visual intrusion of a large cement structure on the immediate periphery of the Cemetery, especially the western side, landscaping is needed for screening. To be effective, this landscaping must be located within the cemetery since the prison is so close to the cemetery. Efforts to induce the District to provide such landscaping have been totally unavailing. (See letters of January 4 and February 9, 1989, attached. The District has said, however, that it would support a request for Congressional assistance. See letter of February 6, 1989, attached.) While a landscaping plan has not been costed out, an architect involved in the discussions estimates that $250,000 would be needed. This amount is far beyond the limited resources of the Association, which barely maintains this 35-acre site on a $100,000 annual budget comprised principally of voluntary contributions.

Flooding

Run-off from the prison site regularly floods the portion of the cemetery that lies between it and the Anacostia River. In part this is due to absence of adequate on-site drainage within Reservation 13 and in part to broken culverts in the secondary park road below the cemetery. This road, under the jurisdiction of the National Park Service, thus acts as a dam against drainage. The use of the park road by heavy vehicles during prison construction is expected to lead to further deterioration of the weakened culverts. We ask three things. First, we ask that Congress request competent independent review of the drainage design for the prison, by engineers in the Federal Bureau of Prisons, the Architect of the Capitol, or another entity, to ensure that any design problems are addressed in a timely fashion. We ask for an engineering assessment of the current condition of the culverts, to limit the risk of the District's contesting that new culvert damage was caused by construction trucks. Finally, we ask that funds be identified for repair of the existing culverts and for repair of new damage to existing culverts.

Park protection

An essential feature of the Cemetery is its open, small-scale, pastoral character--a feature that visitors have noted and enjoyed for 180 years. With the intrusion of a large structure directly on two sides of the cemetery, it is essential to protection of that pastoral character to protect and enhance the vistas and park on the river side. This is of some urgency: pressures for intensive development of Reservation 13 and of the park might, in the absence of appropriate action, threaten the continued character of this national capital parkland as park. We urge that a planning body directly responsible to Congress, with competence in and responsibility for planning for Federal land, be tasked (and, if necessary, funded) by Congress to develop a park plan implementing the McMillan Plan pursuant to which the park was acquired, for this area in consultation with community residents. This is a long-overdue step towards realization of the McMillan Commission (1902) plan for the parks of the National Capital under the leadership of Senator McMillan and F.L. Olmsted, Jr. It would provide needed assurance that, in building a prison on Reservation 13, Congress does not intend the conversion of Reservation 13 and adjacent parkland to intensive institutional uses incompatible with maintaining the current park and residential character of the area, including the open, pastoral character of historic Congressional Cemetery.

Thank you again for this opportunity to present our comments. We look forward to assisting the committees in their efforts in whatever way we can.

Congressional Cemetery Association
1801 E Street, Southeast
Washington, D.C. 20003
(202) 543-0539

January 4, 1989

Mr. John Touchstone
Department of Public Works
2000 14th Street, N.W.
Washington, D.C. 20004

Re: Mitigation of Prison Impacts

Dear Mr. Touchstone:

We are writing on behalf of the Board of the Association and of local residents to express profound dissatisfaction with D.P.W.'s failure to develop plans to mitigate the impact of proposed prison construction on historic Congressional Cemetery and the adjacent neighborhood.

We urge you to direct your staff to engage in substantive, meaningful dialogue on this question.

A brief review of our concerns, and of D.P.W.'s response to them, will show why we are no longer able to defer writing this letter to you.

In testimony before the Historic Preservation Review Board and the National Capitol Planning Commission in July, August and early September, the Board testified that the design MAXIMIZED the adverse impact of prison construction on historic Congressional Cemetery.

The Board suggested a range of steps that would tend to MINIMIZE these impacts.

D.P.W. has made NO effort to discuss these concerns further or to modify its design to accommodate them. Indeed, the D.P.W. representatives seemed to consider the comment process itself an ordeal; their primary goal seemed to be to survive "unscathed".

Despite the fact that D.P.W. had not previously made design materials available for public comment and despite the fact that public comment was an official part of the hearing

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procedures, D.P.W. representatives have sought to justify their imperviousness to constructive comment on the ground that the design drawings were "virtually complete". This non-cooperative attitude, both at the H.P.R.B. and N.C.P.C. hearings, not only made a mockery of the comment process but quickly dissipated whatever public goodwill and esteem that the department enjoyed at the outset of the process.

Nor has D.P.W.'s reputation for professionalism been enhanced by events.

Our repeated requests to review design materials last spring were denied on the ground that the materials were not ready for review. As we subsequently learned, however, design materials were at the same time being presented to the Commission of Fine Arts, which was told by D.P.W. that Association representatives had been and were being consulted!

At the first H.P.R.B. hearing in July, 1988, D.P.W. seemed totally unaware that two elevations of the prison (the western and the southern) fronted on the Cemetery, not just one. In fact, the D.P.W. presentation almost entirely ignored the western prison elevation--the elevation of primary concern (see attached drawing)*. In part because of this major deficiency in the D.P.W. presentation, the hearing was postponed for a few weeks in order to allow for a more adequate preparation by D.P.W.

At the second H.P.R.B. hearing, in August, and also at N.C.P.C.'s September meeting, and despite several requests, D.P.W. failed again to display a unified drawing of the west elevation. It also failed to present a professional landscape plan as had been requested at the July meeting.

Our testimony at the H.P.R.B. hearings was focussed on mitigation issues. It emphasized the need, acknowledged by all observers including the N.C.P.C. and the architecture critic of the Washington Post, to preserve the historic small-scale, park-like Victorian character of the Cemetery. We made several points, and suggested solutions, briefly summarized as follows:

--by MASSING the prison against the Cemetery boundary, rather than towards the hospital complex, the design maximizes rather than minimizes the large-scale, aggressive visual intrusion into the Cemetery and the surrounding neighborhood. Yet D.P.W.'s architect agreed that one-third to one-half of the visual impact could be avoided by improved massing.

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* The attached drawing was prepared for the Association by an architect. To this day, D.P.W. has not prepared and made public a unified west prison elevation.

--by using aggressive and inharmonious FACADE and FENESTRATION DESIGN AND MATERIALS (ostensibly, but poorly, "keyed" to the jail), the design maximizes the contrast with its older, smaller-scale surroundings. Keying facade treatment and materials to the Cemetery and neighborhood, however, would go far to reduce its visual impacts. A more traditional fenestration would also go far to reducing the fortress-like appearance of the design.

--D.P.W.'s proposed grading and drainage design also creates a great danger to the Cemetery with respect to SOIL STABILITY--erosion, gullying and flooding. D.P.W.'s total unconcern for this danger is reflected in misstaken statements on this important subject to Mr. Mark Cathey, the head of the National Arboretum, statements which D.P.W.'s own drawings showed to be in error. Prison grading must be designed to avoid, not create, soil instability effects in the Cemetery. D.P.W. should be aware that the Association is fully prepared to take all necessary and appropriate action including legal action against relevant officials and consultants should soil instability effects result in damage to Cemetery property.

--given the scale and proximity of the prison structure, LANDSCAPING cannot be relied on for significant mitigation of prison impacts. Any landscaping, to be meaningful at all, must primarily involve the western elevation of the prison and must be integrated with, i.e., brought into, the Cemetery itself.

As indicated earlier, D.P.W. has ignored the comments of the Association and others with respect to mitigation of prison impacts on the nation's first national cemetery and on the surrounding residential community.

The single area in which D.P.W. has--with manifest reluctance and, as shown below, in a manner thus far difficult to reconcile with good faith--responded to comment is in the matter of landscaping between the prison and the Cemetery.

In the interests of developing a professional, integrated landscaping plan addressing the western as well as southern elevations, an ad-hoc consultative process with the National Arboretum was established on the urging of the H.P.R.B. A representative of this Board and another community representative were designated to participate in this process with a D.P.W. representative and Mr. Mark Cathey.

At the first meeting, on October 11, D.P.W. produced NO plans or concepts other than what had been rejected by H.P.R.B. and N.C.P.C. as unprofessional and inadequate two months earlier. It promised to prepare a plan for the second meeting a month later. Importantly, it also promised to prepare "cross-sections" showing the prison and cemetery elevations on the west and south. Such sections are essential to evaluating the effectiveness of landscape mitigation to screen the prison.

For our part, we promised to prepare a plan showing those areas of the Cemetery available for screening plantings. We also indicated that the Association would hold D.P.W. harmless for any liability for damage to Cemetery property resulting from D.P.W. landscaping operations in the Cemetery. The D.P.W. representative indicated that this was a satisfactory arrangement.

At the second (and, to date, last) meeting, on November 8, D.P.W. failed again to produce any plan. Furthermore, it failed to produce any integrative sections as had been earlier agreed (and only produced one section to the edge of the prison site). Astonishingly, it expressed surprise and ignorance that the Association was concerned about the western prison elevation as well as the southern! (This despite comments by the Association at several hearings, despite discussion and comment by H.P.R.B. and N.C.P.C. members and staff, despite the fact that H.P.R.B. had even rescheduled its July meeting to permit D.P.W. to prepare materials on this point, among others.) Finally, when we provided D.P.W. with a plan of possible planting sites on the Cemetery grounds, D.P.W. advised that it would not plant within the Cemetery, claiming a new-minted fear of liability for damage to Cemetery property based on a vaguely-described colloquy with Carol Thompson.*

At this time, no landscaping plan has been prepared and no further progress has been made towards preparing one. D.P.W. has made no effort to schedule further meetings despite the passage of almost two months and the urgency of the general issue.

D.P.W. has, however, scheduled a further review of its plans with the N.C.P.C. at its February meeting. We plan to comment on the status of this effort at that time.

We find this history of non-consultation and of inaction difficult to reconcile with good faith. It contrasts strikingly with the repeated expressions by Congress and by the N.C.P.C. of the need for consultation and for action to mitigate impacts. It is unfortunate that the prison design process has been conducted in a fashion seemingly calculated to frustrate effective comment on mitigation issues. Yet one is hard-pressed to draw any other conclusion from this record: a record of hearings conducted too late to influence D.P.W. design choices; of design materials withheld at crucial periods of time; of other design materials never produced at all; of late and transparent excuses for taking even the most modest of landscaping steps to mitigate adverse impacts.

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* It is unclear what information or details, if any, Carol Thompson received about the situation and exactly what statement Carol Thompson made in response.

D.P.W. has never before expressed fear of entering the Cemetery, and does not let such fears stop it from entering other private property as needed. Nor has D.P.W. explained why, if it would prefer not to undertake the work, it cannot retain the Association to do it. For these and other reasons, it appears to us that the real reason is unstated.

We urge you to make mitigation of adverse impacts on the historic and neighborhood values a high priority in a fresh review of the prison design. To that end, we also urge that you institute on an urgent basis a high-profile consultation effort with affected groups.

We have done everything possible to bring design concerns timely and constructively to your department's attention. Our efforts have been frustrated by "fait-accompli" attitudes and by stratagems of non-response and inaction.

We bring these concerns to your attention in the still-cherished hope, still unrealized, that this prison will not be built, in disdain of historic and neighborhood values, on a shattered public trust.

Respectfully yours,

J. L. Sibley Jennings
J.L. Sibley Jennings, Jr.
Board Representative, Ad-Hoc
Landscape Consultation Group

Christopher C Herman
Christopher C. Herman
Vice-Chair and Prison
Board Representative

James Thackaberry
James Thackaberry
CHPTF Representative, Ad-Hoc
Landscape Consultation Group

cc: The Hon. Carol Thompson
Chairman and Members of the National Capitol Planning Commission
Councilperson Betty Ann Kane
Chairman, District of Columbia Subcommittee, Appropriations Committee, U.S. Senate

S/B[illegible]

FEB - 1989

FEB 1989

February 8, 1989

Mr. John Touchstone
Department of Public Works
2000 14th Street, N.W.
Washington, D.C. 20009

Re: Bases for Integrated Mitigative Landscaping

Dear Mr. Touchstone:

Pursuant to earlier comments regarding the need for integrated mitigative landscaping to reduce the visual impact of the prison on historic Congressional Cemetery, this letter discusses some of the principal bases for such landscaping.

By "integrated" landscaping, the Association means landscaping within the grounds of the Cemetery planned and installed as an integral concomitant of prison construction for the purpose of screening the prison (as best as such means allow) from the principal Cemetery vistas through plantings appropriate to the site and its historic character.

For purposes of this discussion and without reference to the current terms of the prison project scope of work, it is assumed that the District is not deprived of authority to spend money for valid purposes simply because an expenditure is not within a existing "project" scope. In other words, the District always has authority to effect change orders, to develop independent related contracts, and to give grants for purposes for which grants may validly be granted.

The Association, which has responsibility for operating and maintaining the cemetery, is a non-profit, tax-exempt charitable organization qualified under Section 501(c)(3) of the Federal tax code.

The Association was organized for the public purpose of maintaining a site of recognized historic landmark significance to the District of Columbia in particular and the United States in general.

The objectives of the Association include not only maintaining a site of recognized local historic significance, but also maintaining it, in accordance with long-standing tradition, for the public's use and benefit both as a park and as a burying place. The grounds of the Cemetery are open to the public without charge during daylight hours and are frequently visited by citizens of the District of Columbia and visitors to the national capital. Maintaining, on a non-profit basis and without regard to religion, race, sex, or nationality, a place of dignified repose for members of the public desiring interment on death also confers a benefit on the public.

Sorry. The xerox machine attacked!! [illegible]

A primary objective of the Association has been to restore and maintain the ~~Victorian~~ historic landscaping of the cemetery, which was one of the major garden "sights" of the 19th Century city. Such restoration will restore and preserve a significant element of the historic and cultural heritage of the District of Columbia.

It would be entirely appropriate and consistent with District policy to encourage private non-profit charitable organizations to preserve the heritage of this city for the District to assist the Association in achieving this objective through screening landscaping that is (as it must be) compatible with restoration of the ~~Victorian~~ 19th Century character of the Cemetery grounds.

A second basis for District action lies in remediation of and partial compensation for the injury of the visual intrusion itself. As the N.C.P.C. has recognized, the open, small-scale character of the Cemetery and the open vista from the cemetery form important elements of and should be remediable. The relatively open vista and inobtrusive structures that have prevailed for over 150 years would be replaced with two monolithic and aggressive its historic character. Public works injuring another's property, including the continued enjoyment of its publicly-recognized historic character, are and should be remediable. Landscaping limited to the prison grounds is ineffective to remedy the situation for the very reason that the prison is a gross visual intrusion--the prison is too large and too close. For landscaping to be effective at all as a remedy, it must be integrated onto the Cemetery grounds. Integrated landscaping is therefore part of an appropriate remedy.

The Association believes that at least two bases--the resulting public benefit and remediation for injury to a recognized property interest--exist for integrated landscaping in parallel with prison construction. We urge early action.

Very truly yours, Maggie Hobbs.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PUBLIC WORKS
2000 14TH STREET, N.W.
8TH FLOOR
WASHINGTON, D.C. 20009

OFFICE OF THE DIRECTOR

FEB 6 1989

J. L. Sibley Jennings, Jr.
Congressional Cemetery Association
1801 'E' Street, S.E.
Washington, D. C. 20003

Subj.: Mitigation of the CTF Visual Impact on Congressional Cemetery.
Landscaping in the Congressional Cemetery

Dear Mr. Jennings:

The Department of Public Works (DPW) and the Design/Build Contractor have continued efforts to satisfy your concerns with reference to the landscape design for the D.C. Correctional Treatment Facility (CTF).

The landscape design has been revised twice since the design shown in the base contract. The landscaping on the south side of the CTF site has added a berm and additional trees and shrubs. The west side now contains additional trees and shrubs. The revised landscaping is estimated to cost approximately $200,000.00. The District is currently investigating the source of funding for this additional cost to the CTF project.

We feel that this revised landscaping mitigates the visual impact on the Congressional Cemetery. However, your idea of additional trees within the cemetery on the west side of the CTF to provide maximum screening of the CTF from the cemetery and neighborhood is of concern to DPW.

I am aware of your plans to renovate the cemetery and therefore any assistance that you may receive will lessen the financial burden on Congressional Cemetery Association.

The funds obligated for the CTF project cannot be used for construction outside the project or contract limits. Therefore the landscaping within the Congressional Cemetery will have to be accomplished by means of separate contract and separate funding. Congressional appropriations to the District for funding will be necessary to implement this contract.

My staff, Edith R. Fitzhugh who is the project manager for the D.C. CTF, has informed me of the telephone call made to you on Friday, January 27, 1989. As mentioned in the telephone conversation she will coordinate the information on your landscape plan which reflects the area on the west side of the CTF project with *the documentation required for procurement of a contract to render landscape services within the designated area.*

Ms. Fitzhugh will arrange the necessary meetings with you as the representative of Congressional Cemetery Association to realize the landscaping within the cemetery. She may be reached on 939-8061.

Because of a series of annual Congressional appropriation bills since 1986, D.C. has received a mandate to design and build the CTF on the grounds adjacent to the D.C. General complex.

In light of this Congressional mandate and the interest of the Congressional Cemetery to Congress; my staff will join you in the effort to obtain support from Congress to fund the landscaping which the Congressional Cemetery Association requests to achieve their renovation to the Cemetery as well as maximize the screening of the CTF from the cemetery and the neighborhood.

Sincerely,

Harold T. Henson for
John E. Touchstone
Director
Contracting Officer

cc: *Carol B. Thompson, SHPO*
Reginald Griffith, NCPC
James Speight, HPRB

PRISON CONSTRUCTION

STATEMENT OF JAMIE PLATT, VICE CHAIR, CAPITOL HILL PRISON TASK FORCE

Mr. DIXON. Next, we have Jamie Platt of the Capitol Hill Prison Task Force.

Mr. PLATT. I am here to represent the task force and the chair, Mrs. Flossie Lee, who was unable to attend. My name is Jamie Platt, vice chair of the Capital Hill Prison Task Force. I would like to thank Chairmen Adams and Dixon for allowing us the opportunity to testify before you today.

The task force is a neighborhood coalition supported by nearly every group in the Capitol Hill area, including ANC 6-B, the Capitol Hill Restoration Society, Capitol Hill Association of Merchants and Professionals, Congressional Cemetery, several neighborhood watch groups, and various churches.

We have held yard sales and other fundraisers, gathering mostly small donations totaling more than $36,000, 90 percent of which was spent on our lawyers and lobbyist. We have kept our expenses down by doing most of the work ourselves many thousands of hours of our time and efforts have been spent over the past 40 months in this worthwhile fight. We pray that these efforts have not been in vain.

After more than 3½ years of doing battle with the District over this prison project trying to protect our community, the prison task force has come to accept the inevitability of a prison being built less than 100 yards from our homes. However, we continue to work to mitigate the severe negative impacts of this project. For this reason, we are here to testify before you today. We hope that you will consider our reasonable requests.

Our neighborhood has a large percentage of senior citizens, many on a fixed income. Many of us are homeowners and there is a greater degree of stability than in many of the less fortunate areas of the District. However, the inundation of public institutions on Reservation 13, just to the west of 19th Street SE, 19 blocks away from this room, threatens to upset the fragile balance.

The CHPTF has repeatedly maintained that prisons should not be built in residential communities—not ours, not anyone else's. We were thus quite disturbed when both the House and Senate decided that this principle, plus the goal of preserving historic properties, would be set aside simply to expand prison capacity in the District.

We are appalled by the misplaced budgetary priorities in the District. The Department of Corrections budget increases substantially every year with no impact on our crime rate, while funding for drug treatment gets cut. How are we to keep our young people out of prison if they must wait months to get into a drug treatment program? Housing, job training, and educational programs are cost effective when compared to the price of keeping an individual in prison. Crime will not go away by simply locking everyone up. We can't afford it, and this policy simply doesn't work.

The CHPTF has a few basic requests. We need to expand drug treatment opportunities at Lorton. Right now I don't think there are any. Right now, the only drug treatment that you can have in the District is after being in prison for a number of years. Then you go to this new correctional treatment facility and you get treated. We find that to be irresponsible.

We also ask that there be no further expansion on Reservation 13. The jail and the prison are enough. The community has never been made privy to D.C. General Hospital's master plan. As it is a Federal reservation, we would like to request that Congress appropriate funds for a planning effort, possibly under the auspices of the National Capital Planning Commission, with community input. We must develop ways of providing for the future needs of D.C. General Hospital, District jail, and the CTF, while at the same time, preserving the nearby community and preventing ad hoc, ill conceived, projects without any concern for those most affected.

There must be no further expansion of prison facilities at the site. Congress must see to it that this prison does not become overcrowded. This would diminish the facility's ability to provide drug and mental health treatment. This committee can make sure that the District budget for this prison is only high enough to house 800 inmates, a number already too high for our community. We have simply had enough.

There must also be funds set aside for landscaping and fenestration in Congressional Cemetery. We support the efforts of Congressional Cemetery to protect itself against the potential of flooding and to reduce the visual impacts of the prison on the cemetary.

We request that the park land just to the east of Reservation 13 be improved. The community needs adequate recreation areas and this land, at a minimal cost, can be improved to meet this need.

Finally, we request that the traffic and parking mitigation measures worked out last year in this committee be strengthened. The Capitol Hill Traffic Task Force and ANC 6-B should be involved in this effort.

I will be making more expanded written comments. I have them written out here but they are not legible. I will be presenting them as soon as possible.

Again, I would like to thank the Senators and Congressman here for giving us this opportunity to testify. I will be very happy to answer any questions.

Mr. DIXON. Mr. Gallo.

Mr. GALLO. No questions.

Mr. DIXON. Senator Adams.

Senator ADAMS. Wasn't that site selected by the District government?

Mr. PLATT. It was selected by Mr. Barry.

Senator ADAMS. He is the Mayor, isn't he?

Mr. PLATT. Yes; it was selected by him. It was not a planning process initiated by the City Council, or even the Office of Planning. It was a political decision that was made, and then ex post facto, the rationales were set in place. It was not a citywide planning effort.

Senator ADAMS. I have no further questions.

Mr. DIXON. Congressman Regula.

Mr. REGULA. I have no questions.

Mr. DIXON. Thank you very much for your testimony today.

TAXICAB DRIVERS

STATEMENT OF PAUL DAVIS, TAXICAB DRIVER

Mr. DIXON. Next, we have Paul Davis, who is a local taxicab driver. If you have a prepared statement, we will place it in the record. If you would like to highlight it, go right ahead.

Mr. DAVIS. I appreciate the opportunity to speak before the committee today about the D.C. taxicab industry and our continuing problems with the D.C. Taxicab Commission. As I predicted last year the commission has not implemented any changes this year to help the drivers with a rate increase or improved standards for the comfort and convenience of the riding public.

In reviewing language of this committee for the past 3 years, you have requested a plan for general improvements in the industry and standards established for an integrated regional taxi system. At the present time, the average age of a taxicab is 10 to 12 years old. I would like to suggest that all vehicles be grandfathered and age restrictions of 5 years and with no more than 75,000 miles. That is to say, as of January 1, 1990, no taxicab would be permitted with more than 75,000 miles, and would have to be a 1985 or later model year. By 1992 one model year should be dropped and the mileage reduced 10,000 miles. That should also take place in 1994, and 1996 so that an entry level car should be two model years and no more than 40,000 miles.

That would bring us pretty much into compliance with what the local jurisdictions require in terms of entry level for a taxicab going on the street. There also should be a size standard requiring the taxicab to be a full size vehicle that will carry five passengers plus the driver. I would not exclude station wagons and possibly allow mini-vans that could also be used to handle the handicapped as a special purpose vehicle.

For the last 2 years, the Council of Governments has been working on an interjurisdictional reciprocal agreement. They are unable to move forward because of insurance differences between the District of Columbia, Maryland, and Virginia. Last year's testimony from Arrington Dixon, when asked, stated that D.C. taxicab insurance is equal. I would like to recommend that the insurance be raised to levels of $100,000, $300,000, $50,000 to bring the taxicab insurance up to local levels.

If you look at the exhibit I included—exhibit 3—this is a list of the insurance rates as they are in the local area. This information was collected by the Council of Governments. It also includes comparative listings of the rate structure here locally as well. This would have to be done by the superintendent of insurance. I included a copy with the exhibit here.

I would also recommend that insurance be paid for and collected on a minimum monthly cycle.

The last area that needs to be addressed is the rate structure. If you are looking to protect the public from overcharging, give the public control of the cab, pay the driver for time and mileage and have a uniform regional system. After that, you have to move in the direction of resolving the meter versus zone issue. The Taxicab Commission was required by statute to do this and has not. I included a copy of the statute as an exhibit.

I would also point out that at present the metered rates in this area. Those rates are included in exhibit 3. Last year I requested bill language to allow the implementation of meters in D.C. taxicabs so that I could get paid for the service I provide the public. I would still request that as well, because I believe that these areas of age, insurance, and meters in cabs, all will have to be accomplished to have a taxi industry that the community and Nation is proud of.

It would be possible for this committee to order the commission to meet their obligation under the statute by contracting with a third party accounting firm to resolve these issues within a certain period of time. My belief is that it might take 2 or 3 years to get any progress made in these three areas.

Last, a few words about the commission itself. It has been another year of frustration watching a process marked by politics and personalities with no action. I was relieved recently to read in the New York Times that we are not the only taxi commission with problems. That is included as an exhibit.

I also will include information about our latest fight over a rate increase and a statement from Dan Smith about the rate increase. I would also state that meters would also simplify somewhat this rate process.

Last, a letter from CWA concerning the public being denied access to announced public meetings. I was also denied access to that same meeting but haven't found the time to complain yet.

It has been an interesting year with the Taxi Commission. It is distressing to watch inactivity translate to the kind of deterioration

I have been experiencing in the taxicab industry. The public seems to be having problems as well, and I include recent articles from the Washington Post. It is not that hard to move in a direction with some resolve to address these problems. I am hoping this year that this committee will be more deliberate in language of the appropriations bill to make these progressive changes a reality.

Mr. Dixon. Thank you, Mr. Davis.

Senator Adams.

Senator Adams. I have no questions, only despair, Mr. Chairman.

Mr. Dixon. Two years ago Congress deleted the language which prohibited taxi meters, but I guess the local Taxicab Commission has not made a determination on that issue.

Mr. Regula.

Mr. Regula. Who appoints the commission?

Mr. Davis. It is appointed by the Mayor and confirmed by the council.

Mr. Regula. For what length of term?

Mr. Davis. They vary. It is from 2 to 4 years. There has been one resignation. There are approximately four appointments coming up for consideration.

The frustration with the commission now, from our point of view, is that instead of us being issue oriented, the next battle will be over these nominations. At the latest hearing, at their consideration of their rules, which has to be moved as a form of legislation, Ms. Winter went on the record objecting to a couple of the nominations for this commission. So I think the battle will be more over personality than getting something done.

Mr. Regula. Do they get paid?

Mr. Davis. They get $150 for these meetings. So there is approximately $144,000 that is appropriated in their budget that goes for these folks. These meetings can last from 5 minutes to 3 or 4 hours.

Mr. Regula. Lots of meetings. Thank you.

Mr. Dixon. Thank you, Mr. Davis.

[The information follows:]

EXHIBIT 3

Taxicab Rates and Insurance Information for the Washington Region

		REQUIRED LIABILITY COVERAGE			FARE SCHEDULE	
JURISDICTION	NUMBER OF LICENSED TAXICABS	BODILY INJURY/ DEATH TO (1) PERSON IN (1) ACCIDENT	MULTIPLE INJURIES IN (1) ACCIDENT	PROPERTY DAMAGE IN (1) ACCIDENT	BOARD AND RIDE FIRST INCREMENT	CHARGE FOR EACH ADDITIONAL INCREMENT
DISTRICT OF COLUMBIA	6,577	$ 25,000	$ 50,000	$ 10,000	Zone-Based; $2.50 for trip in 1 zone or subzone except for trips within a single sub-zone of Zone 1 which are $2.20	$.90 for second and third zones; $.85 for the fourth; $.75 for the fifth; $.85 for the sixth; $.95 for the seventh; and $.85 for the eighth
ALEXANDRIA	561	$100,000	$300,000	$ 50,000	$1.10 (1/6 mi)	$0.20 (1/6 mi)
ARLINGTON COUNTY	531	$100,000	$300,000	$ 10,000	$1.00 (1/6mi)	$0.20 (1/6 mi)
FAIRFAX COUNTY	397	$100,000	$300,000	$ 25,000	$1.20 (1/6mi)	$0.20 (1/6 mi)
PR. WILLIAM COUNTY	52	$ 50,000	$100,000	$ 25,000	$1.00 (1/8mi)	$0.15 (1/8mi)
CITY OF MANASSAS PARK	39	$ 50,000	$100,000	$ 25,000	FARE SCHEDULE NOT AVAILABLE	
PR.GEORGE'S COUNTY	700 + 4*	$ 20,000	$ 40,000	$ 10,000	$1.00 (1/6mi)	$0.20 (1/6 mi)
MONTGOMERY COUNTY	384 + 80**	$100,000	$300,000	$ 25,000	$1.00 (2/6mi)	$0.20 (1/6 mi)
CITY OF FREDERICK	35	$ 20,000	$ 40,000	$ 10,000	zone-based; ranges from $1.50-$4.25	zone-based
MWAA (WASH. FLYER SERVICE FRM/TO DULLES ARPT)	210	$100,000	$300,000	$ 50,000	$1.00 (1/6mi)	$0.20 (1/6mi)

* Handicapped Accessible
** To be issued in 1989

FARE SCHEDULE (CONTINUED)

JURISDICTION	CHARGE FOR ADDITIONAL PASSENGER (AGE)	CHARGE FOR WAITING	CHARGE FOR LUGGAGE HANDLED BY DRIVER	PERSONAL SERVICE CHARGE	SNOW EMRGCY CHARGE	SURCHARGE FOR NAT'L AIRPORT	ADDITIONAL CHARGES
DISTRICT OF COLUMBIA	$1.25 (One child under five for each adult passenger rides free)	$0.75/5 min. (Except for stops of less than 5 min. which do not deviate more than 5 blks frm rte which are $0.30)	$0.15 suitcase (in excess of 1) $1.25 trunk/lrg pckge	$0.65	Double zone charge		$1.00 for trips from 4:00 - 6:00 p.m. $1.00 for dispatch service if cab is called
ALEXANDRIA	$1.25 (2 or older)	$0.20/60 sec.	$0.50 suitcase $2.00 trunk $0.25 grocery bag		$2.00	$0.50	
ARLINGTON COUNTY	$1.00 (over 6)	$0.20/51 sec	$0.50 suitcase (in excess of 2) $2.00 trunk			$0.50	
FAIRFAX COUNTY	$1.00 (over 12)	$0.20/60 sec	$0.50 suitcase $2.00 trunk $0.25 grocery bag (in excess of 2)	$0.75		$0.50	
PR. WILLIAM COUNTY	$1.00 (over 2)	$0.15/36 sec	$0.25 suitcase (in excess of 2) $1.00 trunk $0.10 grocery bag (in excess of 2 per pssngr) $0.50 large box	$1.00			$0.75 per mi for service beyond 3-mi radius of base of operations or nearest taxi stand
CITY OF MANASSAS PARK							
PR.GEORGE'S COUNTY	$1.00 (6 or older & less than 60)	$0.20/60 sec	$1.00 for using trunk of taxicab	$1.00	$1.00		$1.00 trips btwn 8p.m-6a.m.
MONTGOMERY COUNTY	$1.00 (less than 65)	$0.20/60 sec	$1.00 for bag over 3 ft. $0.25 grocery bag (in excess of 3)	$1.00	$1.00		$6.00 for wheelchair pssngrs
CITY OF FREDERICK	$0.50 beyond two persons (6 or older)	$0.25/60 sec	$0.25 suitcase $0.50 for 2 to 4 grocery bags & $0.25 per bag additional				$0.50 each add'l stop $0.90 per mi outside of corp. limits
MWAA (WASH. FLYER SERVICE FRM/TO DULLES ARPT)	$1.00	$0.20/80 sec	$0.15 each suitcase (in excess of 1 per pssngr) $1.25 trunk	$0.65			

EXHIBIT 6

§ 40-1717. Rate proceeding; standard for rate structure.

(a) Within 12 months of March 25, 1986, and at least once every 24 months thereafter, the Commission's Panel on Rates and Rules shall undertake a review of the taxicab rate structure. The review required by this section shall be undertaken by holding at least 1 public hearing, upon notice with opportunity to comment. Within 120 days of holding the public hearings, the panel shall render a decision on whether a modification or adjustment in rate structure is warranted, and, if determined to be warranted, shall implement the modification or adjustment.

(b) The panel, in the establishment and supervision of the taxicab rate structure, shall balance equitably the interest of owners and operators of taxicabs, taxicab companies and associations, and dispatch services in procuring a maximum rate of return on investment and labor against the public interest in maintaining a taxicab system affordable to a broad cross section of the public, and shall establish nondiscriminatory rates, charges, matrices, boundaries, and methodologies for the determination of taxicab fares which assure reasonable and adequate compensation and promote broad and nondiscriminatory public access to taxicab transportation facilities. (Mar. 25, 1986, D.C. Law 6-97, § 18, 33 DCR 703.)

EXHIBIT 7

N.Y. Times 6-23-87

New York Panel Urges 400 New Cab Licenses

By DAVID E. PITT

Citing a scarcity of licensed taxicab service beyond Manhattan, the Taxi and Limousine Commission proposed yesterday that 400 new yellow-cab medallions be issued on the condition that the drivers "spend two days a week and 10 percent of their trips on other days" in the other boroughs and upper Manhattan.

The experiment, part of a nine-point proposal to the City Council, is intended to help compensate for what the commission called an inadequate level of authorized taxicab and hired-car services in Brooklyn, the Bronx, Queens and Manhattan north of 96th Street, as well as on Staten Island.

The proposal includes stiff penalties for drivers who refuse customers traveling outside Manhattan, establishing special stands in the other boroughs to help passengers find car services as well as taxicabs and improving van services by putting them under the authority of the Taxi and Limousine Commission.

The initial reaction of the industry was guarded. An official of the Metropolitan Taxi Cab Board of Trade, an association that represents 3,000 yellow-cab owners, said that he would not comment in detail on the plan, but that the proposal for cabs to spend a specific amount of time outside Manhattan seemed unenforceable.

Nonmedallion Regulation

"How could they enforce such a thing?" the vice president of the board, Glenn Vallach, asked. "And what happens when a driver comes into Manhattan to drop off a fare and then picks up a passenger who wants to go somewhere else in Manhattan? Do they refuse the fare?"

The chairman of the nine-member commission, Jack S. Lusk, said the overall proposal was intended to add impetus to a previously announced effort to step up regulation of the large nonmedallion industry outside Manhattan. In that effort, the agency has asked the Council for authority to seize for-hire vehicles operating without licenses.

"We're getting a lot of pressure from the legitimate industry to try to get rid of these unlicensed vehicles," Mr. Lusk said. "They are now saying, 'Hey, we're legitimate, and these people are cutting into our business.' "

Criticism of Appointments

Mr. Lusk said that although 30,000 authorized car-service vehicles operated in the city, up to 45,000 others were illegal.

The 400 new medallions could be formally approved next month and would be in addition to the 11,787 medallions in circulation. The medallions would be issued using a lottery for drivers of taxicabs, for-hire vehicles and wheelchair-accessible vans. The medallions could not be sold or leased.

> The taxis would have to work outside Manhattan 2 days a week.

The commission made its announcement as Mayor Edward I. Koch said he thought the independent agency should be replaced by a new executive agency that would function "in accordance with the overall transportation policy developed by the mayor."

Mr. Koch told the Charter Revision Commission in a letter made public at City Hall that it was hard to obtain a consensus on the panel because of the five Council-appointed members.

Mr. Koch asserted that those members "tend to see their function on the commission as representing parochial concerns, not the development of a comprehensive transportation policy."

Mr. Lusk said yesterday that he supported Mr. Koch's recommendation.

In its proposal, the commission noted that "available information indicates that there is a large supply of vehicles providing for-hire service at many locations in the outer boroughs and that most of the demand for service is met." The agency added that much of the service was provided by unauthorized drivers, many of whom operated unsafe and uninsured vehicles.

Mr. Lusk, asked about enforcing the medallion plans, said those drivers would be closely monitored. "These 400 drivers represent a relatively small group of vehicles, and we will be regularly checking their trip sheets," he said, noting that each new medallion would have a serial number with an "X" and the cabs would be specially marked.

He added that the commission expected to set up check-in sites throughout the boroughs for drivers "to show their sheets or to show that they're working in each borough each day."

EXHIBIT 8

District of Columbia Register

JUN 2 1989

DISTRICT OF COLUMBIA TAXICAB COMMISSION
PANEL ON RATES AND RULES

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (Commission), by its Panel on Rates and Rules (Panel), hereby gives notice of its proposed rulemaking action to modify, in not less than thirty (30) days from the publication of this notice in the D.C. Register, the rates governing taxicab service in the District of Columbia.

The Panel proposes to grant an increase in taxicab rates of 5.2 percent based upon the consumer price index from January, 1988 to January, 1989. The current and proposed rates are as follows:

No. Zones	Current Fares	Proposed Fares
Subzone	$2.20	$2.30
1	$2.50	$2.65
2	$3.40	$3.60
3	$4.30	$4.50
4	$5.15	$5.40
5	$5.90	$6.20
6	$6.75	$7.10
7	$7.60	$8.00
8	$8.45	$8.90

The Panel also gives notice of its action, pursuant to section 256.1 of its rules (18A DCMR (Provisional ed. Oct. 1987)), to waive its rules applicable to contested cases in rate making proceedings, and to approve this increase by administrative rulemaking. The Panel hereby gives notice of waiver of sections 220 through 254 of its rules.

Any person desiring to comment on the Panel's proposed rulemaking action should file comments, in writing, within thirty (30) days of the publication of this notice in the D.C. Register. Comments should be filed with George W. Crawford, Secretary, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr. Avenue, S.E., Washington, D.C. 20020. After the comment period the Panel will take final rulemaking action.

Communications Workers of America, Local 2336

An AFL-CIO Affiliate
Joanne C. Bell, President

666 11th Street, N.W., Washington, D.C. 20001
Suite 1000 Phone (202) 737-3566

June 5, 1989

Memo to : All D.C. Taxicab Commissioners

From : Joanne C. Bell, President, CWA Local 2336

Subject : Proposed Rulemaking- 5.2% Increase for Taxi Operators

As always, we are pleased that the Taxicab Commission recognizes the need for improvements in the existing rate system. However, as stated in your Notice of Proposed Rulemaking-Draft:

> The Panel's proposed action is due to the fact that the overrall cost of living has increased by 5.3% since October 1987. In addition, the costs associated with operating a taxicab such as vehicle purchase, gasoline, oil, maintenance, and repair have also increased by 1.8% during the same period. Moreover, taxicab insurance premiums increased by 39.5%. In view of the foregoing, the Panel's proposed rate change provides for a 10.9% across the board increase.

Had you given the drivers a 10.9% across the board increase, that would have been a giant step in providing the drivers a necessary and well-deserved increase.

However, for reasons that I do not understand, we are here discussing a 5.2% across the board increase. The across the board part is great, but the 5.2 is less than the 5.3% increase in the cost of living since October, 1987 as cited by your Staff.

No compensation is being granted for the other listed increases that have a great bearing on the operation of a taxicab business, ie. vehicle purchase, gasoline, oil, maintenance and repairs which increased 1.8% and the 39.5% increase in the required insurance.

My understanding of the Commission's responsibility is that you are to improve the D.C. Taxicab industry for everyone. But to date,it appears that the only improvements is the more than $100 an hour rate you receive for all of these meetings.

I am appalled by the statement of mr. Becker that Public hearings mean nothing. I am further astounded by Lucille Johnson's statement that taxi driving is an "entry level job." Negative statements of this type clearly show that the "trio" of Commissioners on the Panel of Rates and Rules who continually block attempted improvements by Chairman Dixon, the Staff and the Office of Taxicabs, have their own agendas. Agendas that circumvent the improvement of the taxicab industry in Washington, D.C.

The Staff of the Office of Taxicabs is here to work with the Commissioners and yet, on at least two separate occasions, they have worked on proposals that would benefit the entire industry, only to have the " TRIO" negate their efforts.

For two years now, we have been talking rates. A rate study was to have begun last June. Cab Company owners have asked," what type of information do you need, so we can assist in providing it". My Union has submitted various proposals and data. And yet, nothing has appeared to be good enough.

I implore Commissioners Johnson, Jessamy and Becker to get serious about improving this industry. We can not nickel and dime our way through the future. Let's give the drivers a meaningful increase, so we can begin to deal with issues of safety, meters, inspections, etc., the other necessities of this industry.

If you have any questions or if I can be of any further assistance, please contact me on 202-737-3566.

EXHIBIT 10

Communications Workers of America, Local 2336

An AFL-CIO Affiliate
Joanne C. Bell, President

666 11th Street NW, Suite 1000
Washington, D.C. 20001
Phone (202) 737-3566

July 10, 1989

The Honorable Marion Barry
Mayor of the District of Columbia
The District Building
1350 Pennsylvania Avenue, N. W., Suite 520
Washington, D. C. 20004

Dear Mayor Barry:

It is unfortunate that I must write to you concerning the rude and unprofessional actions of two of your appointed Taxicab Commissioners, Lucille Johnson and Joseph Becker. From its inception, many of us hoped that the Taxicab Commission would improve this industry and make it a Taxicab Industry that the entire nation would want to emulate. To date, this Commission has proved itself to be a great disappointment.

It is bad enough that Johnson, Becker, and Jessamy have negated every positive action that the Rates and Rules Panel has attempted, but I simply can not overlook the appalling actions of Lucille Johnson and Joseph Becker on June 27, 1989. Patricia Case, my representative, was sitting in the Commission's Room waiting for their announced meeting on the Computer Contract to begin. Ms. Johnson and Mr. Becker entered the room, took one look at Ms. Case and then Ms. Johnson yells out rudely, "You will have to leave. You are not supposed to be here. You get out! This is a closed meeting and I don't want you here." Joseph Becker also stated he didn't want her there. Ms. Johnson's approach was hostile and boisterous.

Ms. Case stepped out of the room and a call was placed to George Crawford, General Council for the Taxicab Commission. Mr. Crawford explained that since this meeting was not an Executive Session, the public could attend this meeting. When Ms. Case reentered the room a conversation took place between the Commissioners as to whether or not to continue the meeting since Ms. Case was there. They voted to eject her.

When Chairman Dixon was made aware of this incident, he had another meeting set-up for interested public parties. While I appreciated Chairman Dixon's actions, we did not obtain the information we wanted and would have gotten if Ms. Johnson and Mr. Becker had not abridged the rights of Ms. Case and others who eventually attended the meeting to gain answers to questions, ie what type of data was going to be collected, how long would it take and to listen to the input and questions of the Commissioners. This is the second time that Lucille Johnson had rudely and illegally ejected my representative from Taxicab Commission meetings or work sessions.

The rude and unprofessional behavior of Commissioners Johnson and Becker is the root of the problem with the Panel on Rates and Rules. Ms. Johnson has openly showed her lack of

Honorable Marion Barry
Page 2
July 10, 1989

understanding and respect for drivers by repeatedly stating that taxicab driving is an "entry level job." She has repeatedly voted against a fare increase that incorporates cost of living and the cost to operate a cab.

Mr. Becker on the other hand simply has no respect for public opinion or involvement. He has stated that "public hearings mean nothing." Both have shown a blatant disrespect for the taxicab driver.

I am sure that you agree that it takes money to buy new cars. It takes money to pay all of those fines, insurance and repairs. Once you give the driver a responsible income, then you would have grounds to expect improvement and where there are no improvements to penalize the party for failure to adhere to the rules. In the case of Johnson, Becker and Jessamy, it's penalties first and little to no money. In fact, they are crippling any possible hope of improvements in the DC Taxicab Industry.

This correspondence is simply to make you aware of the fact that Johnson and Becker, as your appointees to the Taxicab Commission, are making you look irresponsible to the more than 14,000 licensed taxicab drivers in this city. We want to improve the Taxicab Commission and to make it a model for the entire nation. To achieve that, it is my opinion and the opinion of the taxicab drivers I represent that until Johnson, Becker, and Jessamy are replaced on the Panel on Rates and Rules, our goal will never be achieved. Further, as the President of an organization who has supported you in both elections and supported your programs, I feel that most of your programs have been impressive but that Johnson, Becker, and Jessamy are interfering with your progress.

Sincerely,

Joanne C. Bell
President

JCB/mhp

cc: William P. Lightfoot
Hilda Mason
Wilhelmina Rolark
Harry Thomas
Nadine Winter
Arrington Dixon
Joseph F. Becker
John F. Jessamy, Jr.
Lucile L. Johnson
Patricia E. Case

ST. ELIZABETHS HOSPITAL FIRE DEPARTMENT

STATEMENTS OF:

DAVID RUSSELL, FIREFIGHTER AND EMERGENCY MEDICAL TECHNICIAN, ST. ELIZABETHS HOSPITAL FIRE DEPARTMENT

STEWART SOUTH, FIREFIGHTER, ST. ELIZABETHS HOSPITAL FIRE DEPARTMENT

MARK TROWBRIDGE, FIREFIGHTER, ST. ELIZABETHS HOSPITAL FIRE DEPARTMENT

ACCOMPANIED BY:

MIKE VINSON

RANDY O'SULLIVAN

LEONARD BREWER

DARRELL POSEY

STEWART SMITH

JOHN WATERS

EDWARD MOTHERSHEAD

DORRIS PERRY

Mr. DIXON. Next, we have David Russell, and a group of firefighters from St. Elizabeths Hospital.

We have allotted 10 minutes for your presentation.

Mr. Russell, do you have a prepared statement?

Mr. RUSSELL. Yes, sir, I do.

Mr. DIXON. We will be pleased to receive it for the record. If you would like to highlight it, now is your opportunity.

Mr. RUSSELL. I would like to read my statement.

Mr. DIXON. Whatever is within the 10 minutes.

STATEMENT OF DAVID RUSSELL

Mr. RUSSELL. Mr. Chairman, respected members of this committee and distinguished guests, my name is David Russell and I am a firefighter/emergency medical technician and I am here today on behalf of the employees of the St. Elizabeths Hospital Fire Department.

May we begin first by offering our sincere gratitude to each of you for the opportunity to share our views and concerns regarding the unresolved issues surrounding the St. Elizabeths Hospital Fire Department following the transition from Federal to D.C. control on October 1, 1987.

From the outset of the transition, we began to experience problems as a result of the first of two memorandums of understanding which were entered into by D.C. Fire Chief, T.R. Coleman and the Commissioner of St. Elizabeths Hospital, Dr. Robert A. Washington.

Briefly, the terms of this agreement stipulated that all employees of SEHFD would be employed under the Commission of Mental Health Services, and detailed to the DCFD, and in so doing subscribed to the rules and regulations of the department. It permitted the two departments to interact, working side by side under the direction of the DCFD fire chief, thus placing into service Engine Company 34 and Ambulance 22.

The major concern we had with this arrangement was that while we were working side by side with our DCFD counterparts under the terms of the MOU, we were not entitled to the same rate of pay, benefits, promotional consideration or, even the same work schedule. Further, our personnel were not permitted use of the DCFD clinic or their training academy, even though each of our members requested training through the facility. As a result, many of us found it necessary to use annual leave to pursue training through outside agencies to stay abreast of the ever-changing advances in the fire service. In all instances, the tuitions were paid for out of our own pockets and we were never reimbursed by the District of Columbia.

As a result of this arrangement, which District officials regarded as fair consideration, six of our employees left the department in favor of stable environments with Prince Georges County and Anne Arundel County Fire Departments. Our detailed status along with each of the problems built into the first MOU lasted for a period of 14 months and without a single solution. It ended as a result of the second MOU which was also executed by DCFD Fire Chief T.R. Coleman and Dr. Robert A. Washington.

Under the terms of this arrangement, all details with the DCFD were terminated with the understanding that the Commission of Mental Health Services, CMHS, would reorganize its own fire department. Simply stated, this arrangement was clearly ill-advised, and as such must raise serious questions as to the intent of such an agreement. Obviously, providing a high level of protection for the communities involved was not the prime consideration, as the CMHS does not by any stretch of the imagination have the resources to support a progressive fire department.

Case in point: as a result of the second MOU, we have witnessed a reduction of manpower each tour, operating ~~on~~ the engine company. Newly appointed Fire Chief Victor Grabis ordered each platoon reduced in force from five men to four at all times.

This reduction eliminated the use of a two-piece engine company which is standard operating procedure in the DCFD and forced our personnel to respond to each alarm with a single engine. The two-piece engine company concept is of great importance in the District due to the low hydrant pressures available and provides an added measure of protection in the event of an emergency.

It should be noted that our engine company, SEHFD, responds to over 1,600 emergency calls on campus each year. To make matters worse, Fire Chief Grabis lists himself as the officer in charge of platoon No. 1, but in reality, Fire Chief Grabis spends very little of the 24 hours with the shift which results in this shift routinely responding to alarms with three men. This further compromises the lives of all persons involved.

According to District law, which mandates the minimum standards required to operate a basic life support ambulance in the District, two certified emergency medical technicians must be present on the unit at all times. As a result of the limited number of certified EMT's available at our station, our ambulance has responded to numerous emergency medical calls with a crew consisting of one EMT and one firefighter. A direct violation which further compromises the level of prehospital care available to persons in need of emergency medical care.

During the first 14 months of the transition, under MOU No. 1, all of the equipment used by our personnel was maintained by the DCFD Apparatus Division which is staffed 24 hours a day, 365 days a year. However, under the MOU No. 2, which separated the two departments, the SEH motor pool has been given the responsibility of maintaining the ambulance and fire apparatus.

Needless to say, the SEH motor pool does not have the resources to properly maintain the apparatus of a progressive fire department. As a result, numerous items in need of repair do not receive proper attention.

Training is a vital part of all progressive fire departments. Under the CMHS, our request for training receive the same response received under the first agreement. The DCFD training academy is not available to us and when we request funding to pursue our training from other agencies, CMHS reports that no funds are available and once again, we must dig into our own pockets to pay for the training. Further, we are forced to use our annual leave to pursue the training; we have never been granted administrative leave for this purpose even though we have requested it.

Radio communication with DCFD units in the event of a major incident is neither possible or encouraged by Fire Chief Grabis as the fire chief ordered all portable radios returned to the District. The inability to communicate with all units operating on a single alarm is of great importance and could easily become a matter of life or death as was the case in Hackensack, NJ, when six firefighters lost their lives as a result of poor radio communications during a building fire. The importance of effective communications in the fire service cannot be overstated.

During the 14 months that our personnel were detailed to the DCFD, MOU No. 1, District units responded along with our engine company on approximately 90 percent of all alarms. This was done largely due to the size and number of buildings, the number of patients, and staffers at risk during an actual emergency situation. However, under the CMHS, our engine company responds to each alarm alone. If upon arriving on the scene it is determined that additional support is needed, we must then contact the DCFD by telephone through our communications center. The obvious delay in detecting the need for support and to be further delayed by virtue of placing a telephone call is inexcusable.

Two firefighters who were employed at SEHFD prior to the transition and continue to have temporary status despite the fact that other SEH employees have been given permanent status. We have been unable to ascertain the reasoning for this after 21 months.

It should be noted that each of the original problems concerning pay, benefits (training), and promotion consideration since the transition, remain unresolved.

Upon looking at this entire situation, we find that District officials have done little to correct these problems and worse yet, in their attempts to prevent us from joining the ranks of the DCFD have drastically compromised the safety of patients, staffers, and citizens living in the surrounding southeast Washington community.

Clearly, this was not the intent of the Appropriations Committee report which urged District officials to fully integrate the SEH firefighters into the regular DCFD last year.

For 21 months, we have been at the mercy of the District government, during which time we have experienced great disappointment and frustration as we have been treated like second-class citizens and harassed by SEH officials.

Mr. Chairman, and members of this committee, we have met with District officials, including DCFD officials and testifying before the District's Oversight Committee on two occasions in an attempt to resolve some of these issues, but to no avail. We have exhausted every avenue possible with District officials to find a solution. As you can imagine, morale is extremely low.

In conclusion, we respectfully seek the support of this committee. It is our desire to be fully integrated into the D.C. Fire Department which will enable each of us to take our rightful place. Such a move will eliminate each of the problems created by both memorandums of understanding and most importantly, it will alleviate the dangerous substandard level of protection currently available at SEH and in the surrounding community.

We are confident that with appropriate action taken, Engine Company 34 will provide numerous contributions to the D.C. Fire Department. Clearly, such a move is the correct approach and we believe it was the intent as contained in the language of Public Law 98-621, which stated "all St. Elizabeths Hospital employees shall receive maximum consideration".

Thank you, Mr. Chairman, and members of this committee, for letting us testify today. We look forward to your assistance in resolving these issues.

[The information follows:]

D.C.-11
APRIL 1980

Memorandum ● Government of the District of Columbia

TO:	Operating Personnel	Department, Agency, Office:	Fire CD
FROM:	Wilmer T. Heishman WTH Deputy Fire Chief	Date:	September 30, 1987
SUBJECT:	St. Elizabeth's Fire Department		

Effective October 1, 1987, the District of Columbia will assume authority for the St. Elizabeth's Hospital complex in southeast Washington. With this move, the D.C. Fire Department will assume complete authority and responsibility for all fire and ambulance service.

Therefore, at 0800 hours, Thursday, October 1, 1987, the St. Elizabeth's Fire Department will become D.C. Fire Department Engine Company No. 34 and Ambulance No. 22. Their operation will initially continue somewhat as it has in the past.

Personnel at Engine Company No. 34 include four (4) dispatchers, one of whom is on-duty at all times. The dispatcher receives and interprets all alarms received on the hospital grounds and dispatches the appropriate units. However, the dispatcher will advise the Fire Communications Supervisor or the Lead Fire Dispatcher prior to dispatching any units, fire or ambulance. This will be done on the direct telephone line or on 462-1617. Alarms are also received in the dispatch room through a local 911 telephone system. Alarms are also received from radio controlled fire, smoke and heat detectors. The radio signals are received and displayed through a computer and a CRT. A printer also gives a hard copy of this information.

St. Elizabeth's Fire Department currently uses three (3) radio channels, all in the 164-165 MHz range. They will continue to use these channels for their "on-the-grounds" non-emergency operations. D.C. Fire Department radios will be installed in their apparatus for direct contact with the Communications Division and other fire department units. D.C. Fire Department portable radios will be given to all the units until mobile radios can be installed.

Whenever Engine Company No. 34 responds to an alarm on the hospital grounds, their dispatcher will notify Headquarters prior to responding, and standard dispatch procedures will be followed, i.e., vocal and radio announcements. Any alarms received at Headquarters for a fire at St. Elizabeth's will require a telephone call to Engine Company No. 34 over the direct, to insure that they respond. Once a vocalarm and a radio monitor are installed at Engine Company No. 34, any calls received at Headquarters for incidents at St. Elizabeth's will be dispatched in the normal vocal/radio manner.

Whenever Headquarters is notified that Engine Company No. 34 has received a fire alarm the appropriate unit assignments will be made in accordance with existing guidelines. Engine Company No. 34 will be the first due engine company at all times if they are in service.

Automobile fires, trash fires outside of the buildings, dumpsters, etc., will be handled in the appropriate manner with Engine Company No. 34. Engine Company No. 34 should also be dispatched on incidents on Martin Luther King, Jr. Avenue, where this street bisects the hospital grounds. (The 2700 Block of Martin Luther King Jr. Avenue).

It must be noted that Engine Company No. 34 will spend a very large amount of time "on-the-air" doing fire prevention inspections in the hospital complex. Therefore, Lead Dispatchers and Radio Operators must keep themselves aware of this unit's status at all times.

Dispatches for Ambulance No. 22 will be handled in the same manner as for Engine Company No. 34. If the call is received at the Dispatch Center at Engine Company No. 34, the dispatcher shall notify either the Fire Communications Supervisor or an Ambulance Call-Taker by means of the direct telephone line or on 462-3322 or 462-3323. Ambulance No. 22 will then be dispatched from their quarters, along with any additional units as may be appropriate. If a call is received at Headquarters for an ambulance on the St. Elizabeth's Hospital grounds, Ambulance No. 22 shall be dispatched if they are "in-service." This shall be done by using the direct telephone line until a vocal and a radio monitor have been installed at Engine Company No. 34.

Ambulance No. 22 will also be operating with a D.C. Fire Department portable radio until a mobile unit can be installed. Therefore, it will be the responsibility of the Fire Radio Operator to communicate with Ambulance No. 22 while it is "on-the-air" and also to make all necessary entries into the computer concerning Ambulance No. 22's activities.

All computer entries shall be made concerning the activities of Engine Company No. 34 and Ambulance No. 22. This includes "on-the-air," "off-the-air," "responding," "on-the-scene," "in-service," etc.

If there is any problem contacting Engine Company No. 34 by means of the direct line, they can be reached on 373-7513 or 373-7514. Captain Victor Grabis will be the officer-in-charge.

SEP 30 1987

APPROVED
ASSISTANT FIRE CHIEF, OPERATIONS

MEMORANDUM OF UNDERSTANDING
BETWEEN
DEPARTMENT OF HUMAN SERVICES
COMMISSION ON MENTAL HEALTH SERVICES
AND
DISTRICT OF COLUMBIA FIRE DEPARTMENT

1. Introduction

The Commission on Mental Health Services (CMHS) will assume authority of the SEH complex including the Fire Department which includes one (1) firehouse, one (1) engine company, one (1) mini rescue squad, one (1) ambulance, and an on site communications center. The District of Columbia Fire Department will be responsible for the operation and control of the SEH Fire Unit.

CMHS will detail fire personnel to DCFD to perform on campus fire prevention, fire suppression, emergency medical ambulance services, communications and other related functions for the Commission.

2. Scope

The provisions of this memorandum apply to the Saint Elizabeth's Hospital Fire Department (SEHFD), staff and related property, CMHS, and the DCFD.

3. Liaison

The DCFD (SEHFD inclusive) will relate to the CMHS through the Director of the Facilities Support Division and Chief, Logistics Management Branch. Liaison for the DCFD will be the Assistant Fire Chief, Operations.

All final actions are subject to the approval of the DCFD Fire Chief and the CMHS Commissioner.

4. Purpose

The general purpose of the CMHS and DCFD relationship is that the SEHF will be detailed to DCFD for operation and control.

5. Conditions

The following are conditions of the agreement:

(1) The Fire Chief of the District of Columbia Fire Department will assume complete authority, control, and responsibility for all f suppression, prevention and emergency ambulance service.

(2) All fire department property and associated equipment will be as to and maintained by the District of Columbia Fire Department. A interagency transfer of funds or special appropriation will be necessary.

(3) All current SEHFD personnel will be part of the CMHS and detailed to the District of Columbia Fire Department (DCFD).

(4) All property and personnel as described in items two (2) and three (3) will come under full control and authority of the District of Columbia Fire Chief.

(5) The DCFD will continue to operate one (1) engine company and one (1) emergency ambulance on site with support ambulance and fire suppression units responding from outside the complex.

(6) The SEHFD will be redesignated Engine Company No. 34 (DCFD) and be part of the Third Battalion. The ambulance will be assigned to the DCFD Emergency Ambulance Bureau.

(7) Fire and emergency medical communications will be operated by the DCFD.

(8) Fire inspections will be conducted by the DCFD.

(9) All vacancies occurring through attrition after October 1, 1987, will be filled by members of the DCFD.

(10) Staffing levels will be the same as required in the DCFD and will be maintained at these levels by additional DCFD personnel as needed.

(11) See Page #5, Special Orders [illegible]

6. Services Provided

Goal: The goal of SEHFD Engine Company No. 34, DCFD, is to provide complete fire prevention, fire suppression, and emergency ambulance service for CMHS, SEH complex.

Objectives:

(1) Provide overall management and supervision of the Fire Protection and Fire Prevention Program.

(2) Plan, develop, and implement the Fire Protection and Fire Prevention policies and procedures.

(3) Provide 24 hour firefighting and prevention services.

(4) Maintain records of inspection and maintenance of all fire protecti and fire prevention services rendered.

(5) Prevent fire by physical inspections of facilities to reduce or eliminate any hazards that cause fire.

(6) Train CMHS employees in fire safety and prevention methods.

(7) Conduct and observe fire drills for proper evacuation procedures.

(8) Develop and maintain fire records and reports as required by DHS, CMHS and JCAH regulations.

3

(9) Provide 24 hour emergency ambulance services.

(10) Maintain records of all fire department activities during tour of duty.

(11) Receive calls through central control communications for all fire, police and emergency ambulance services and dispatch appropriate equipment and personnel. Note: Police calls will be received until arrangements can be made for some other activity to receive them.

(12) Provide telephone operator services from 12:00 midnight to 8:00 a.m. Note: Telephone operator services will be provided until the Telephone Operators Section is staffed to provide 24 hour service.

7. Personnel

The following will be the assignment of current SEHFD personnel:

All personnel, with the exception of the secretary, fire inspectors and communications operators will be divided into three platoons working twenty-four hours on and forty-eight hours off. Schedules and tours of duty may be changed as required by the D.C. Fire Chief.

GS Grade 10 (1) - Assigned as Company Commander (Captain). Be assigned to and work with a platoon.

GS Grade 9 (1) - Assigned as a Platoon Commander (Lieutenant). Be assigned to and work with a platoon.

GS Grade 8 (2) - Assigned as a Platoon Commander (Lieutenant). Be assigned to and work with a platoon.

GS Grade 7 (2) - Assigned as a fill in Platoon Commander (Sergeant). Be assigned to and work with a platoon.

GS Grade 7 (3) - Assigned as Inspectors. Conduct fire inspections and hospital employee fire training. Work in conjunction with the DCFD Fire Prevention Division and under command of the DCFD Fire Marshal.

GS Grade 5 - (Approx. 10) - Assigned as Firefighters. Be assigned to the engine company, ambulance or communications as necessary.

GS Grade 4 - (Approx. 5) - Same as Grade 5. (Employees will be considered for promotion from GS-4 to GS-5 when time in grade and other promotion criteria has been met).

GS Grade 4 - (Approx. 4) - Assigned as Communications Operators.

Secretary - Assigned as company secretary as long as the need exists.

8. Joint Planning And Evaluation

The CMHS Liaison and DCFD Liaison will meet quarterly or as needed to jointly assess the effectiveness of the provisions of this Memorandum of Understanding and make changes as necessary to improve services and procedures.

9. **Agreement Duration**

This Memorandum of Understanding is effective upon the date of signing and will be implemented on October 1, 1987. This Memorandum will be reviewed annually from the date of implementation. Revisions may be made at any time upon the Agreement of both parties.

10. In the event that there is any dispute concerning this Agreement, the CMHS and the DCFD shall meet to discuss the issue, which can only be resolved by mutual agreement, in writing.

Robert A. Washington

Robert A. Washington, Ph.D.
Acting Administrator, MHSA and
Commissioner Designate, CMHS

T.R. Coleman

T.R. Coleman
Fire Chief

9-29-87
Date

28 SEP 1987
Date

D.C.-44
APRIL 1980

Memorandum ● **Government of the District of Columbia**

TO: T.R. Coleman
Fire Chief

Department, Agency, Office: Fire
FFD/E-34-3

FROM: David Russell DR
Firefighter/EMT-A

Date: August 21, 1988

SUBJECT: Request To Be Assigned To Up Coming Fire School

It is my understanding that a class for newly hired firefighter's will begin in September of this year. As a member of Engine Company 34, I have read that operational differences exist between Engine 34 and other units throughout the city. So that we may narrow any differences that may exist, I respectfully request to be included in the up coming class. My formal level of training thus far, has been through the University Of Maryland Fire And Rescue Institute, College Park, Maryland, where I intend to become an adjunct instructor. I have provided a brief list of coarses completed todate, for your consideration.

Basic Fire School
Special Fires
Truck Company Operations
Fire Gound Operations I
Fire Ground Operations II
Officership
Confined Space Entry And Rescue

Smoke Diver's
Arson Detection And Investigation
Standpipes And Sprinklers
Alarm Systems
E.M.T.-A
Certified SCUBA Diver
Advanced Search And Rescue

1st Endorsement.

August 22, 1988

I request that F/F Russell receive consideration.

Victor Grabis
Captain

100TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
100–680

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 1989

JUNE 9, 1988.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DIXON, from the Committee on Appropriations, submitted the following

REPORT

[To accompany H.R. 4776]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the District of Columbia for the fiscal year ending September 30, 1989.

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DISTRICT'S EMPLOYMENT SECURITY BUILDING

The Committee has asked the General Accounting Office to review the circumstances concerning the District's Employment Security Building located at 500 C Street, N.W. The Committee received testimony from District officials expressing their understanding that the intent at the time the building was constructed was that clear title would ultimately be transferred to the District. In the conference report accompanying Public Law 100-202, the conferees agreed "that no action whatsoever is to be taken by the Federal government or any other organization to condemn, vacate or raze the Employment Security Building until after December 31, 1988, unless such action is approved in advance by the House and Senate Subcommittees on District of Columbia Appropriations."

The Committee directs that the moratorium on any action to condemn, vacate, or raze the Employment Security Building be extended from December 31, 1988 to December 31, 1989. It is the Committee's intent to make a recommendation on this issue as soon as the necessary facts are received from the General Accounting Office.

SAINT ELIZABETHS HOSPITAL FIRE DEPARTMENT

The Committee continues to receive complaints about various employment related problems being experienced by employees of the Saint Elizabeths Hospital Fire Department. This subject was discussed at several hearings on the District's fiscal year 1989 budget request. The Committee remains concerned that city officials have not adequately addressed the issues and the problems relating to administrative details such as pay and other employee benefits.

The Committee is also concerned that the District government has not fully incorporated the fire department into the regular District Fire Department. The Committee therefore urges the D.C. Fire Department to put all the firefighters at Saint Elizabeths through the D.C. Fire Training Academy. The Committee requests that the District submit a report on the actions taken to address employee administrative concerns and actions taken to fully incorporate the Saint Elizabeths Fire Department into the D.C. Fire Department. The report should include the results of the fire fighters' training at the Academy. The Committee expects to receive the report by March 31, 1989.

CONTRACTING

The Committee is pleased that the District now has in place regulations for 28 of the 32 chapters of the District of Columbia Procurement Practices Act of 1985. The Committee remains interested in the progress which the District is making in following the law, and therefore requests that the District provide quarterly reports on the following information regarding contracting within the District:

(1) progress in completing the regulations of the final four chapters of the Act;

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE

OFFICE OF THE CITY ADMINISTRATOR
DEPUTY MAYOR FOR OPERATIONS

1350 PENNSYLVANIA AVE., N.W. — ROOM 507
WASHINGTON, D.C. 20004

November 4, 1988

MEMORANDUM

TO : See Distribution

FROM : Carol B. Thompson
City Administrator/Deputy Mayor
for Operations

SUBJECT: Memorandum of Understanding for
St. Elizabeth's Fire Unit

Attached is the Memorandum of Understanding recently signed by Dr. Robert Washington and Fire Chief T.R. Coleman which will govern future operations of the St. Elizabeth's Fire Unit. I now request that you meet as a group under the direction of Mr. Peter Parham to develop procedures for implementing this agreement on a day-to-day basis. At an appropriate time this process should also involve the AFSCME Special Representative, Mr. Peter Moralis, to insure, to the extent possible, a reasonable transition of fire unit employees back to full status as employees of the Commission on Mental Health Services.

In addition, as mentioned in Assistant Fire Chief Alfred's July 28, 1988 memo, you should also be prepared to discuss development of a modified training course at DCFD's Training Academy on fire suppression methods and techniques for CMHS Firefighters.

This assignment should be completed no later than November 30. If you have any questions please contact Frank Jasmine at 727-6053.

Thank you for your assistance.

Attachment

Distribution

Peter Parham
Dr. Robert Washington
Calvin Tildon
Chief Theodore Coleman
Mark Levitt

MEMORANDUM OF UNDERSTANDING
BETWEEN
DEPARTMENT OF HUMAN SERVICES
COMMISSION ON MENTAL HEALTH SERVICES
AND
DISTRICT OF COLUMBIA FIRE DEPARTMENT

1. Background

The Commission on Mental Health Services, hereinafter called CMHS, and the District of Columbia Fire Department, hereinafter called DCFD, executed a Memorandum of Understanding on September 29, 1987 respectively concerning the provision of fire suppression, fire prevention, and emergency ambulance services for CMHS' Saint Elizabeths Campus. This MEMORANDUM OF UNDERSTANDING supercedes the September 27, 1987 Memorandum of Understanding in its entirety as follows:

2. Responsibilities of CMHS

CMHS will assume complete authority, control, and responsibility for the operation of a Fire Prevention Unit on the Saint Elizabeths Campus. This unit will be responsible for the following functions:

a. Plan, develop, and implement the fire protection and fire prevention policies and procedures for all CMHS facilities;

b. Provide 24 hour firefighting services for the Saint Elizabeths Campus facilities, relating to DCFD as specified in 6. below;

c. Provide 24 hour emergency ambulance service for the Saint Elizabeths Campus;

d. Operate the 24 hour Communications Control Center which receives emergency calls, maintains communications with and dispatches fire, emergency and security units for the Saint Elizabeths Campus; and,

e. Maintain record of inspection and maintenance of all fire protection and fire prevention services rendered.

3. Responsibilities of DCFD

DCFD shall be responsible for the following functions:

a. Provide all fire suppression services to off-campus facilities;

b. Provide fire suppression services of Saint Elizabeths Campus facilities in the manner specified in 6. below;

c. Perform all other responsibilities required by District law, regulation, and executive order; and,

d. Conduct an annual evaluation of CMHS fire prevention, fire suppression, and ambulance services and provide a written report with recommendations to CMHS.

4. Personnel

All details, whether formal or informal, of CMHS personnel to DCFD and of DCFD personnel to Engine Company No. 34 and the Saint Elizabeths Campus shall be terminated on the effective date of this MEMORANDUM OF UNDERSTANDING.

5. Property, Equipment and Records

All property, equipment and records assigned to DCFD on October 1, 1987 under the September, 1987 Memorandum of Understanding shall be reassigned to CMHS on the effective date of this MEMORANDUM OF UNDERSTANDING.

6. Procedure for Fire Suppression

The following procedure shall be followed by CMHS and DCFD for fire suppression on the Saint Elizabeths Campus:

a. CMHS shall respond to all fire alarms and other calls for assistance;

b. CMHS shall request DCFD assistance as necessary;

c. DCFD shall respond to CMHS requests for assistance;

d. DCFD shall be in charge of fire suppression upon arrival at the scene, and CMHS shall provide assistance to DCFD as directed;

e. CMHS shall submit a written report of fire suppression activities to DCFD monthly.

7. Effective Date

This MEMORANDUM OF UNDERSTANDING is effective on the date of concurrence by the City Administrator/Deputy Mayor for Operations.

Robert A. Washington
Robert A. Washington, Ph.D.
Commissioner, CMHS

9-21-88
Date

Theodore R. Coleman
Theodore R. Coleman
Fire Chief

9-21-88
Date

CONCURRENCE:

Carol B. Thompson
Carol B. Thompson
City Administrator/Deputy Mayor
for Operations

9/29/88
Date

Mr. DIXON. Is there another one of your group that wants to testify?

Mr. RUSSELL. We have two other gentlemen who would like to make a brief statement.

Mr. DIXON. You have generously 2 minutes.

STATEMENT OF STEWART SMITH

Mr. SMITH. I am Stewart Smith and I have been a firefighter at St. Elizabeths Hospital since May 1987. In my background I have been a volunteer firefighter in Anne Arundel County for 9 years. In that time I have taken numerous classes through the University of Maryland Fire and Rescue Institute. I have also attained the rank of volunteer captain.

In the 1½ years since the transfer of the hospital to the District, the problems encountered have been numerous. The main problems have been with pay and leave, with other problems with job security and promotions. The problems with pay and leave have been numerous with the only answers after almost 2 years is that we are working on it.

The attitude of the commission, in my opinion, has been ignore the problems and they will go away. In the transition the St. Elizabeths Fire Department was left under the commission and detailed to the D.C. Fire Department. After operating under this arrangement for over a year, it was decided to put the St. Elizabeths Fire Department totally under the commission. This arrangement, in my opinion, was a step backward for the firefighters and for the safety of the hospital and patients. The place for the St. Elizabeths

Fire Department is in the Fire Department not under the Commission of Mental Health.

Thank you.

Mr. GALLO [presiding]. Do you have a short statement?

STATEMENT OF MARK TROWBRIDGE

Mr. TROWBRIDGE. Mine is kind of short.

Mr. GALLO. We will make it part of the record if it is repetitious so at least it will be part of the record.

Mr. TROWBRIDGE. I would like to bring up one issue. We had a meeting with Assistant Chief Alfred a year ago. At that time, he stated he has no problem bringing firefighters in, but he would have to get an age waiver because minimum age is 29 years old. I have applied for the Fire Department with a regular test, but since the test wasn't available from 1984, because it was found to be biased, now I am too old.

I received a statement to that effect. With that, here is a place where equal opportunity and age discrimination is an everyday worry. How can the D.C. Fire Department have an age limit of 29 years old?

Mr. GALLO. Thank you. Are there any questions?

Senator Adams?

Senator ADAMS. I have no questions. Thank you.

Mr. GREEN. I have no questions, Mr. Chairman.

Mr. GALLO. Thank you for your testimony.

You have said you have been blocked at every avenue?

PROBLEMS WITH MERGING WITH D.C. FIRE DEPARTMENT

Mr. RUSSELL. We have heard two or perhaps three reasons as to why the merger, so to speak, didn't take place, the first being the age requirement was the one first thrown at us.

When we met with the assistant fire chief, he indicated that those individuals that met the age requirement could take the test and take the physical and if they passed it, if jobs were available, they would be hired.

When we asked what he proposed to do with an individual with 30 years of age, 10 years of fire service and perhaps a fire science degree, he indicated that individual could take a position with the Plans Division or communications. Under this agreement we have a merger, it seems totally unfair for our individuals to have to meet the normal entrance exams for an applicant seeking a position.

It seems totally irresponsible. It is simply not fair.

Mr. GALLO. Thank you.

[The statement follows:]

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
WASHINGTON, D.C. 20002

July 18, 1989

Mr. Chairman, Committee, and Honored Guest

I would like to thank you for having the opportunity to testify before you. I'm here along with other fire fighters of St. Elizabeths Hospital to testify about the unbearable conditions that have existed since the transfer.

1. PAY--for a year we were detailed to the D.C. Fire Department and we worked side by side with the D.C. Fire fighters, Officers, and their Ambulance Personnel. Taking orders from the Chief, and going by their regulations; but receiving much lower pay and benifits. We attend the same training as their ambulance personnel.

2. HOURS--as our detail started Oct. 1, 1987, our hours had to be changed to work the same as the D.C.F.D. as Federal Employees, we worked 144 hours bi-weekly with 25% premium pay, as our new hours went into effect our premium pay was reduces also to 56 hours and 15%, so when the D.C. Fire Department reduced their hours to 42, why did they receive a pay raise?

3. TIME WORKED--we have three shifts that work 24 hours and are off 48, which equals out to be 112 hours a pay period. How come our pay slips and time sheets only credit us for working 80 hours per pay period? What happens to the other 32?

4. LEAVE--as of this date we still are unaware of the leave balances of each fire fighter, however; on July 17, 1989, Mr. Mike English from the Commission of Mental Health, informed us to be 80 hour employees. Those employees that have less than 3 years will earn (4) hours a pay period, 3 to 15 years will earn (6) hours a pay period and over 15 years will earn (8) hours, for example a new employee would have to work 3 months to get (1) day off, and would only accumulate 4 days a year. Why should we earn the same rate as an 8 hour employee when we work 24 hours?

5. APPARATUS--initially our apparatus was repaired by the Apparatus Division of the District Fire Department, as the last memorandum of understanding dated Sesptember 30, 1988, returning us to the Commission of Mental Health, most of our apparatus is in

inoperable condition, our pumper has been disabled for (5) months, our wagon has lights out, a hole in the water tank and has not had preventive maintenance in (8) months, our ambulance have been so unreliable that we borrowed a ambulance from the D.C. Fire Department. We are made to cover the initials, and the D.C. Fire seals on the doors. We are not allowed to wear any shirts, tee shirts or any other item that represent D.C.F.D.

6. MANPOWER--D.C. Fire Regulations states that there will be (7) men as an Engine Company, when the District Fire Department removed their men on Dec. 1, 1988, that left our department undermaned. Sometimes at levels that were dangerous to the patients as well as our personnel. Fire fighters worked 48 hours and sometimes 72 hours stright. The Commission on Mental Health is trying to hire fire fighters now. Before they can be hired, the package must be approved by Fire Chief Alfred, it must be checked by him to make sure there is no mention of DCFD, and so that their is no confusion about two fire departments in D.C. They have changed our name to Fire Prevention Branch even thou we do fire suppression, but again, in the near future our branch will be called Emergency Response Personnel, if one of us should die, would our spouse be elgible for the dealth benifits from the government?

8. MEETING-with DCFD Ap.il of last year we had with Assistant Chief now Chief Alfred, he stated that he see no problem with bringing the fire fighters into the Fire Department, however; he would have to get a age waiver for some of them. He said that we would have to pass the entrance exam, but the last one given was prior to 1 84, in which that test was found to be bias, the next entrance exam is later this year, I wish I had applied to take, I was told I was to old, only in Washington, D.C. A place where equal opportunity and discrimination was born and where the D.C. Fire Department discrinates against. On July 18, 1989, at 2:00 p.m. we were notified that we will start training school given by DCFD however; there was no mention about us being incorporated into the District of Columbia Fire Department, and becoming D.C. Fire fighters, or what will happen to us if we don't pass the test?

Is this another way to harass us, or as I believe to disband the Fire Department. What if anything will happen as in pay or benifits if we pass, it require (1) year for the Distric Government to act on part of the committees recommendation, I hope that the committee will keep watch over the D.C. Government. To make sure they will incorporate us as a uniformed member of the District of Columbia Fire Department.

ST. Elizabeths Campus
CMHS Fire Department Personnel

NURSING STAFF SHORTAGES

STATEMENT OF VALERIE GONZALEZ, PRESIDENT, D.C. NURSES' ASSOCIATION

Mr. GALLO. Next we have Valerie Gonzalez, president of the D.C. Nurses' Association.

Senator ADAMS. I might state, Mr. Chairman, before the witness starts, that we have a Senate vote at 2:15 p.m. and I will have to leave. They are back-to-back votes, and I am going to try to have Senator Kerrey come over. I wanted you to know that I was not leaving. I was going to vote.

Mr. GALLO. Thank you, Senator.

The chairman was called out and will be back very shortly and during that period of time, we will continue.

If you have a statement that you would like to submit for the record, we will make sure it is part of the record. If you would like to abbreviate it we would appreciate that because, we have a long list of witnesses who would like to testify so we do have a 5-minute rule.

Ms. GONZALEZ. I will highlight my statement.

I am Valerie Gonzalez, president of the D.C. Nurses' Association, which represents about 3,500 nurses who live and/or work in the District of Columbia. We thank you for this opportunity to share our concerns about the District's public health system, which is steadily deteriorating despite an increasing need for services.

Nurses in particular have seen the consequences of budget cuts and constraints relating to staff shortages, lack of support personnel, inadequate supplies, and unavailability of training and continuing education.

These facts are a matter of public record related to the public health system. Over 100,000 D.C. residents have no health insurance and depend greatly upon the public health system. Tuberculosis rates are up; AIDS cases are up; other communicable diseases are increasing; drug abuse is skyrocketing; infant mortality rates are climbing; and teenage pregnancies continue at an alarming pace. Meanwhile, our ability to meet these challenges grows weaker every day, due to repeated budget cuts affecting programs and eliminating staff.

For example, in the last few years the Department of Human Services nursing staff for community health has fallen from 250 to 150. At one time there were 200 nurses just doing home and school visits. Now we have only 8 nurses, 1 per ward, and 51 school nurses, 4 long-term care nurses, and 46 nurses working in neighborhood clinics.

D.C. General Hospital continues to struggle with a hospitalwide shortage of nurses, which is particularly acute in the emergency room. In the Commission of Mental Health Services, the nursing staff has dropped from 350 to 240, while the number of patients has actually increased.

There is more at issue than an alleged lack of funds to hire personnel, there is the fundamentally ineffective and costly way that health services are provided. A survey by Lewin/ICF, published by the District of Columbia Hospital Association, showed that 41.5 percent of hospital admissions of District residents were medically preventable or avoidable. When chronic conditions go treated and unmonitored until they become medical emergencies, District residents are using hospital emergency rooms in place of primary care.

This is the most expensive way to deliver community health services. It would be more economical to the District and more beneficial to the patients if we had a fully functional and fully accessible community health system. A white paper recently commissioned by DCNA explores the role professional nursing could play in such a system.

Money spent on community health care can have big payoffs in years to come. The Children's Defense Fund estimates a savings of $3 to $3.50 in the first year of an infant's life for every $1 spent on prenatal care.

The drug epidemic has created a whole new generation of problems, especially for the children of those who abuse drugs. In one 2-hour period at D.C. General Hospital, all four babies born came from mothers who abuse cocaine. The District ambulance service is picking up 20 pregnant women a month who abuse drugs.

Last month, D.C. General had 40 babies in neonatal intensive care and only 2 in the normal nursery.

Right now, clinic nurses are seeing women walk in for their initial visits when they are already 8 months pregnant. In fact, the most recent data shows that 317 women had no prenatal care whatsoever in 1986.

In 1987, the District council passed legislation creating a commission to study the nursing shortage in both the public and private sectors. As a commissioner, I am concerned that although we issued our recommendations in August 1988, the final report has not been acted upon or even released.

The District also has never implemented the funded Nursing Corps Training Act designed to encourage and support individuals in choosing nursing as a career. After slashing positions to cover deficit spending in other areas, there still remain 30 percent vacancy rates for registered nurses at the Commission on Mental Health and at the Commission on Public Health.

Salaries are not competitive. At the entry level, District nurses make about $3,000 a year less than private sector nurses and for those with experience, there is a $10,000 differential.

These statistics are especially disturbing in light of the fact that 170 DHS nurses, approximately one-third of the current nursing staff, will be eligible for retirement over the next 5 years.

We have consulted with the department and commission officials about the matters mentioned above. This week we filed in District superior court seeking an order requiring the District government to implement its own statutes and to fill vacant positions.

We call upon this committee to make health care a priority in the District budget. We also seek your support in helping the District government keep its prior commitments regarding health care delivery.

The District of Columbia Nurses' Association offers the following recommendations as a way to reverse the erosion of public health services:

To re-establish R.N. positions deleted in budget cutbacks and fill vacant R.N. positions throughout the Department of Human Services;

To initiate an immediate wage reopener to make salary adjustments so the pay of public health nurses is comparable to that of private sector nurses;

Implement the 1987 D.C. law that sets minimum nurse-to-school ratios in the public school system;

Allocation funding and personnel for active R.N. recruitment programs throughout the Department of Human Services;

Streamline the District's hiring process so R.N. job offers can be made promptly, rather than a situation where a nurse will apply for a position and maybe not hear for 3 months whether or not she has gotten that position where in a private hospital, she can walk in the door and get a job the same day.

To issue the Nursing Shortage Study Commission report immediately and implement recommendations that apply to the public sector;

To insure that funding for the above items is specifically earmarked for the purposes mentioned; and

In order to maintain current levels of care, insure that such funding does not come from the elimination of current staff positions—nursing or nonnursing.

Thank you, gentlemen.

Mr. GALLO. Thank you, Ms. Gonzalez.

Senator Adams?

Senator ADAMS. I have no questions.

Mr. GALLO. Let me thank you for your testimony. I am sure that the committee will take a very long look at your testimony and your suggestions.

Thank you very much.

Ms. GONZALEZ. Thank you, sir.

[The statement follows:]

DCNA
District of Columbia
Nurses' Association

STATEMENT
OF THE
DISTRICT OF COLUMBIA NURSES ASSOCIATION

BEFORE
HOUSE AND SENATE
APPROPRIATIONS SUBCOMMITTEES ON DC GOVERNMENT

JULY 19, 1989

5100 Wisconsin Avenue, N.W., Suite 306, Washington, D.C. 20016 (202) 244-2705

Good afternoon, my name is Valerie Gonzalez. I am President of the District of Columbia Nurses' Association which represents 3500 registered nurses who live and/or work Washington D.C. We want to thank you for this opportunity to share our concerns about the District's public health system, which is quickly deteriorating despite an increasing need and demand for services.

Nurses, in particular, have seen the consequences of constant budget restraints: crippling staff shortages, lack of support personnel, inadequate supplies, and unavailablility of training to upgrade skills, to name a few.

The facts are now a matter of public record. The public health situation in the District has reached crisis proportions. Over 100,000 D.C. residents have no health insurance and depend greatly upon the public health system. Tuberculosis rates are up; AIDS cases are up; other communicable disease are increasing; drug abuse is skyrocketing; infant mortality rates are climbing; and teenage pregnancies continue at an alarming pace. Meanwhile, our ability to meet these challenges grows weaker every day, due to repeated budget cuts affecting programs and eliminating staff.

For example, in the last few years the Department of Human Services nursing staff for community health has fallen from 250 to 150. This includes only 8 home health nurses (1 per ward), 51 school nurses, 4 long term care nurses and 46 nurses working in neighborhood clinics. At one time there were 200 nurses doing just home and school visits. DC General Hospital continues to struggle with a hospital-wide shortage of nurses, which is particularly acute in the emergency room. In the Commission of Mental Health Services, the nursing staff has dropped from 350 to 240, while the number of patients has actually increased. It is the extreme dedication of these District employees, sometimes working unscheduled double or triple shifts, which allows even the most minimal care to be delivered.

There is more at issue than an alleged lack of funds to hire personnel, there is the fundamentally ineffective and costly way that health services are provided. A survey by Lewin/ICF, published by the District of Columbia Hospital Association, showed that 41.5% of hospital admissions of District residents were medically preventable or avoidable. Allowing chronic conditions to go treated and unmonitored until they become medical emergencies, District residents are using hospital emergency rooms in place of primary care.

This is the most expensive way to deliver community health services. It would be more economical to the District and more beneficial to the patients if we had a fully functional and fully accessible community health system. A white paper recently commissioned by DCNA explores the role professional nursing could play in such a system.

Money spent on community health care can have big payoffs in years to come. The Children's Defense Fund estimates a savings of $3.00 to $3.50 in the first year of an infant's life for every $1.00 spent on prenatal care. Additional savings accrue as the child grows older, should the early care prevent learning disability or behavioral problems.

Medical experts estimate that 80 - 90% of women at risk of having a low birth weight baby can be identified in the first prenatal visit, with corrective action possible. Without such care, an expectant mother is three times as likely to have a low birth weight baby, which has an increased risk of developmental problems.

The drug epidemic has created a whole new generation of problems, especially for the children of those who abuse drugs. In one two hour period at D.C. General Hospital, all four babies born came from mothers who abuse cocaine. The District ambulance service is picking up 20 pregnant women a month who abuse drugs.

Right now, clinic nurses are seeing women walk in for their initial visits when they are already eight months pregnant. In fact, the most recent data shows that 317 women had no prenatal care whatsoever in 1986.

Any school nurse will tell you about the preventive effect of proper counseling and education on teenage pregnancy, AIDS and other communicable diseases,. Currently, school nurses barely have time to do routine screenings for vision and scoliosis and to conduct the required physical examinations.

In 1987, the District Council passed legislation creating a commission to study the nursing shortage in both the public and private sectors. Those commissioners issued their recommendations in August 1988, yet the final report has still not been released or acted upon.

District Law 7-45 mandated an increase in the number of school nurses and set yearly deadlines:

12-87 - 12 hours of nursing coverage per school per week
12-88 - 16 hours of nursing coverage per school per week
12-89 - 20 hours of nursing coverage per school per week

Not even one elementary school complies with even the 1987 level. When asked why, DHS officials said there was no funding. Council members maintained that the measure was fully funded.

An additional 51 nurses would be needed to comply with this law. According to the American Nurses' Asociation Standards of School Nursing Practice, the proper ratio of nurse to school students in general school populations is 1 : 750. The District ratio is 1 : 1750. Meeting the ANA standard would require 66 more school nurses.

The District also has never implemented the Nurse Corps Training Act, designed to encourage and support individuals in choosing nursing as a career.

After slashing positions to cover deficit spending in other areas, there still remain 115 vacancies for registered nurses at the Commission on Mental Health Services and a considerable number at the Commission on Public Health. Recruiting and retention difficulties throughout the District make it unlikely that these or any other DHS nursing slots will be filled in substantial numbers.

Salaries simply are not competitive. A recent survey by DCNA of non-management Registered Nurse salaries for hospitals and health care agencies in the metropolitan area showed the following starting salaries:

District starting salary	:	$23,016
Next lowest starting salary	:	$26,532
Highest starting salary	:	$28,496

Most Registered Nurses in the District with 10-20 years experience are earning $33,000 to $37,000. In the private sector, R.N.'s typically earn this amount after only 4 years, and may eventually earn $41,080 to $47,278.

These statistics are especially disturbing in light of the fact that 170 DHS nurses (approximately 1/3 of the current nursing staff) will be eligible for retirement over the next five years.

We appear to have exhausted local efforts to correct longstanding problems faced by the dedicated employees of the District government. We have consulted with Department and Commission officials about the matters mentioned above. We have seen Council legislation passed but not implemented which would address some of the issues. This week, we filed in D.C. Superior Court, seeking an order requiring the District Government to implement its own statutes and to fill vacant positions. Quite frankly, we don't know what else to do or where else to go.

We call upon this Committee to make health care a priority in the District budget. We also seek your support in helping the District government keep its prior committments regarding health care delivery. And we ask that you take specific action to alleviate the serious nursing shortage.

The District of Columbia Nurses' Association offers the following recommendations as a way to reverse the erosion of public health services:

- Re-establish R.N. positions deleted in budget cutbacks and fill vacant R.N. positions throughout the Department of Human Services

- Initiate an immediate wage reopener to make salary adjustments so the pay of public health nurses is comparable to that of private sector nurses

- implement the 1987 D.C. law that sets minimum nurse to school ratios in the public school system

- Allocate funding and personnel for active R.N. recruitment programs throughout the Department of Human Services

- Streamline the District's hiring process so R.N. job offers can be made promptly

- Issue the Nursing Shortage Study Commission Report immediately and implement recommendations that apply to the public sector

- Insure that funding for the above items is specifically earmarked for the purposes mentioned

- In order to maintain current levels of care, insure that such funding does not come from the elimination of current staff positions (nursing or non-nursing)

Medically "Preventable" / "Avoidable" Admissions District Residents

	Percent of Admissions Definitely / Probably Medically "Preventable" / "Avoidable" *
Congress Heights	63.0%
Benning Heights	54.8
Trinidad/Ivy City	53.9
Anacostia	48.7
Adams Morgan	32.4
Colonial Heights/Petworth	30.0
All other areas	26.8
District Total	41.5%

* Non-OB, non-trauma admissions only.

Source: DCHA Prospective Uninsured Patient Survey conducted by Lewin/ ICF, 1988.

NATIONAL CHILD PROTECTION TRAUMA AND RESEARCH CENTER

STATEMENTS OF:

DONALD L. BROWN, PRESIDENT, CHILDREN'S NATIONAL MEDICAL CENTER

ROBERT MALSON, BOARD OF DIRECTORS

MARTIN EICHELBERGER, M.D., DIRECTOR, EMERGENCY TRAUMA SERVICES

MIMI KINDER, CHIEF, CHILD RESOURCES CENTER

Mr. GALLO. Next we have Mr. Donald Brown, president of Children's National Medical Center.

Mr. Brown, if you have formal testimony that you would like to present, we will make it part of the record. If you have a less extensive statement, you may proceed.

STATEMENT OF DONALD L. BROWN

Mr. **Brown**. Thank you, Mr. Chairman. We would like to introduce this as part of the record along with a description of the project that we are here to discuss today.

I would like to thank the committee for your time. I would like to introduce Robert Malson, who is on our board of directors, and Dr. Martin Eichelberger, director of emergency trauma services.

We have also Mimi Kender, who is head of our Child Resources Center.

We ask for funding of a project that we think is vitally important. Children's wishes to extent is current capability to meet a growing problem in the Nation, the region, and in the District of Columbia, the problem of child victimization.

We propose a National Child Protection Trauma and Research Center. This project would involve a commitment from Congress, a commitment from the community, and a commitment from our institution in order to make this happen.

We think the timing is correct. In fact, I believe the timing has never been more important, because we are talking about children, we are talking about our future, we are talking about the future of children to come.

We believe there are three elements that will make this project happen and make it a successful project, expertise, commitment, and those funds that we need. We have at Children's Hospital the expertise and we have the commitment.

What we don't have are the funds, land basically this project would envision a $20 million appropriation from Congress over 3 years. We are asking for $7 million the first year. It would require the institution to raise approximately $28 million from the community which we would launch some time next year, and we feel that the operating costs for this project could be handled within our existing resource base.

It will position the institution to do more, to extend its capability to provide for the health and welfare and safety of children. We think also this type of capital funds will allow us to continue our commitment to provide $30 million annually in free care that we now provide to the region.

[The statement follows:]

Children's
National Medical Center

111 Michigan Avenue, N.W.
Washington, D.C. 20010-2970
(202) 745-5000

Children's *Hospital*
Children's *Research Institute*
Children's *Foundation*
Children's *Faculty Associates*

TESTIMONY OF
DONALD L. BROWN, PRESIDENT
CHILDREN'S NATIONAL MEDICAL CENTER
PRESENTED TO
THE SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA
COMMITTEE ON APPROPRIATIONS
U.S. SENATE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

JULY 19, 1989

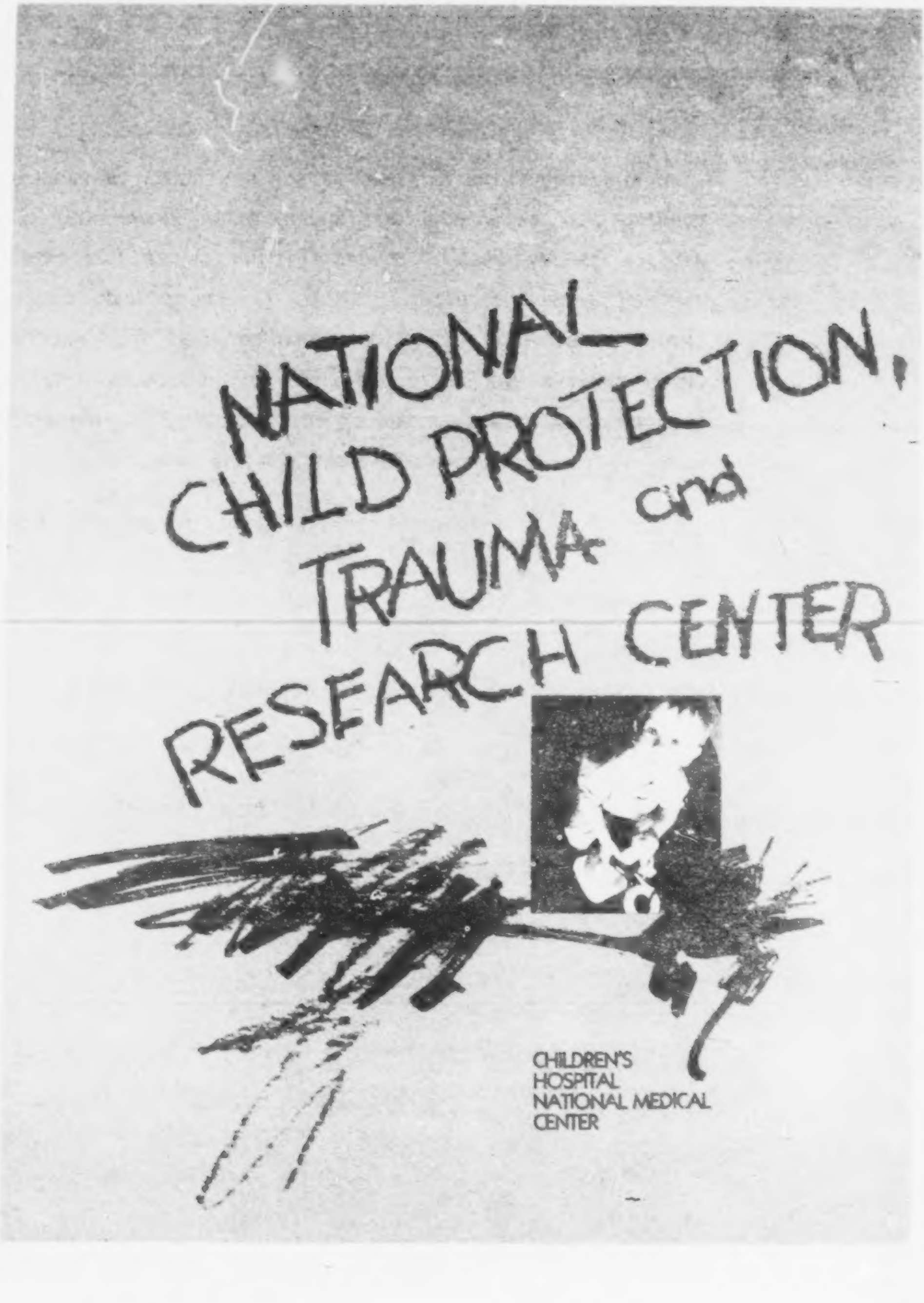
THANK YOU DR. EICHELBERGER, MR. CHAIRMAN, AND MEMBERS OF THE SUBCOMMITTEE. AS PRESIDENT OF CHILDREN'S NATIONAL MEDICAL CENTER, I AM HERE TODAY TO ASK FOR YOUR ASSISTANCE IN MAKING THE NATIONAL CHILD PROTECTION, TRAUMA AND RESEARCH CENTER A REALITY AND A RESOURCE TO THIS REGION AND THE NATION.

TO HELP MEET SOME OF THE CONSTRUCTION COSTS ASSOCIATED WITH THIS CENTER, WE ARE REQUESTING THAT FUNDING BE INCLUDED IN THE FY1990 D.C. APPROPRIATIONS BILL, SPECIFICALLY FOR THIS IMPORTANT CENTER. THE CENTER WILL CONTRIBUTE TO THE SAFETY, HEALTH AND WELFARE OF THE DISTRICT'S CHILDREN, AND FEDERAL FUNDING FOR THE CENTER WILL CONTRIBUTE TO OUR ABILITY TO UNDERTAKE SUCH A CAPITAL PROJECT WHILE, EACH YEAR, WE CONTINUE TO PROVIDE A SIGNIFICANT AMOUNT OF FREE CARE TO THE MEDICALLY INDIGENT PATIENTS OF THE WASHINGTON METROPOLITAN AREA.

Department of Pediatrics
The George Washington University
Medical Center

WE ARE REQUESTING A TOTAL OF $19.8 MILLION IN FEDERAL FUNDING, TO BE SPREAD OUT AMONG THREE YEARS WITH $7 MILLION IN FY 1990. THESE FUNDS WILL BE MORE THAN MATCHED BY THE HOSPITAL. I WOULD LIKE TO ALSO SUBMIT INTO THE RECORD A COPY OF THE PROSPECTUS WE HAVE WRITTEN WHICH DETAILS THE PROJECT'S COSTS AND PROGRAMS. THANK YOU FOR YOUR CONSIDERATION OF THIS REQUEST, AND WE WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

(CLERKS'S NOTE.--THE PROSPECTUS REFERRED TO ABOVE APPEARS AFTER THE ORAL TESTIMONY ON THIS PROJECT.)



NATIONAL
CHILD PROTECTION,
TRAUMA and
RESEARCH CENTER

CHILDREN'S
HOSPITAL
NATIONAL MEDICAL
CENTER

NATIONAL CHILD PROTECTION, TRAUMA AND RESEARCH CENTER

EXECUTIVE SUMMARY

The Problem of Child Victimization

The number of children in this nation who are victims of violence, abuse and neglect -- all forms of child victimization -- has escalated at a shocking rate in this past decade. Whether the subject is child abuse, sexual molestation, or drug abuse, the statistics citing cases of reported victimization of children in the major urban centers of this country tell a sad and frightening story. The plight of these victimized children is a continuing cause of concern and a growing national disgrace.

Infants, children and adolescents are our most prized natural resource, and they are this nation's future. Just as these children have fallen heir by birth to a myriad of challenges and riches in this land of opportunity, they are also exposed to a wide range of negative influences and abuses currently rampant in our society.

Community violence, poverty, crime, poor or inadequate prenatal care, maternal drug addiction -- all these factors take their toll on the family and have devastating results for the infants, children and adolescents growing up in these households. The abuses often begin before birth. For instance, some infants are born with the AIDS virus because of maternal substance abuse; inadequate prenatal care results in a rising number of low birthweight babies.

Protecting this nation's children from victimization and wiping out the appalling number of cases of abuse and neglect prevalent in families are urgent national priorities.

What Can be Done to Combat Child Victimization?

Recognizing this pressing national need, Children's Hospital National Medical Center (CHNMC) proposes to establish a comprehensive National Child Protection, Trauma and Research Center. The proposed Center, situated in the nation's capital, will play a strategic policy-making role in matters pertaining to children's advocacy. It will also serve as a demonstration model for the country in key areas of clinical care and research.

The National Child Protection, Trauma and Research Center will focus on the following areas of pediatric preventive, trauma and rehabilitative care:

1. **Child Abuse Prevention and Protection**

   - Through an active advocacy agenda, and intensified public awareness programs, the Center will promote prevention of child abuse.
   - The Center will establish a model information system, including a registry for victimization reports from all District of Columbia, Maryland and Virginia hospitals, to facilitate identification and articulation of abused children's needs.
   - The Center will provide skilled and intensive intervention and community outreach programs for adolescent victims and offenders.
   - The Center will train health professionals in abuse-related law, law enforcement, child welfare and mental health.

2. **Trauma Emergency Medical Care**

   - The proposed Center will allow CHNMC to serve as a model and resource for the prevention of injury through enhanced advocacy programs, such as the "Safe Kids" national campaign.
   - The Center will provide treatment and rehabilitation for injured children and adolescents through improved treatment facilities.
   - The Center will develop its training programs in life-saving techniques for paramedics from across the country.
   - The Center will pursue an aggressive research program geared to the study of children who have endured traumatic head injuries.

3. **Pediatric AIDS/HIV Program**

   - The Center will improve and refine its current tracking system for surveillance of pediatric HIV infection, and establish a national demonstration model for such surveillance.

- The Center will establish innovative models for service delivery to high-risk drug-using families.
- Members of CHNMC professional staff will serve in leadership roles and on advisory committees in promoting political advocacy on issues pertaining to the prevention and treatment of AIDS.
- The Center will extend outreach programs for pediatric HIV-infected victims by establishing extended care services, home care/hospice services, day care services, and group home services.

4. **Substance Abuse**

- The Center will engage in prevention programs and techniques in order to stem the rising tide of drug and alcohol abuse among adolescents.
- The Center will serve as an educational center for those who work with adolescents to help prepare them to recognize drug use and make appropriate referrals for this problem. In addition, the Center will be a community resource for information on drug and alcohol abuse.
- Through research activities, the Center will investigate risk factors and treatment options for those with substance abuse problems.

5. **Neonatology Care**

- Quality medical treatment will be provided for infants born of drug-abusing mothers, and mothers receiving poor prenatal care.
- The Neonatology Department at CHNMC will serve as a model neonatal care unit through continuation and expansion of its revolutionary Extra Corporeal Membrane Oxygenation (ECMO) treatment programs.
- Through the expansion of the Perinatal Education Exchange Program (PEEP), obstetric and neonatal experts from CHNMC will provide obstetrical and neonatal education for practicing health care professionals in the greater Washington, DC area. This program is designed to improve the management of high-risk pregnancies.

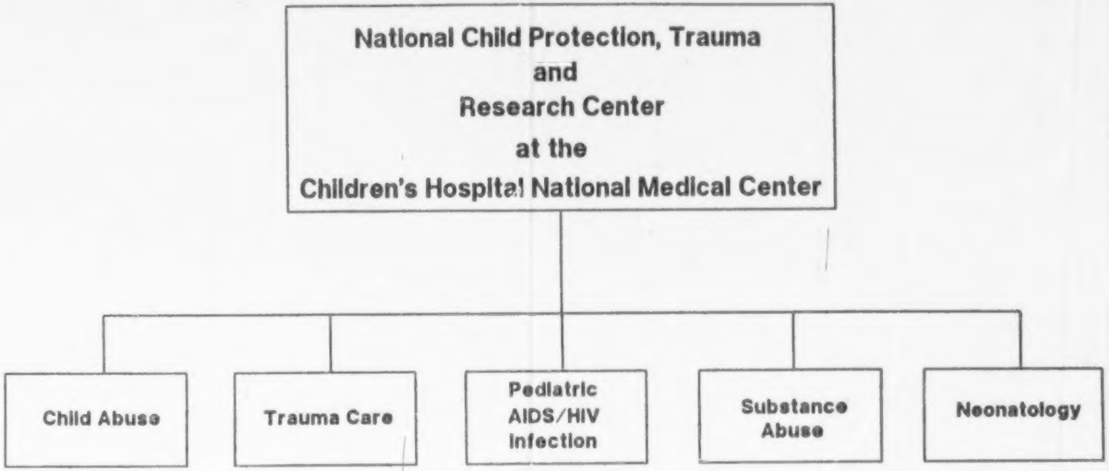
Each of these five components will engage in research, prevention and advocacy activities, training and education, clinical care, and community outreach. Through these initiatives, Children's Hospital National Medical Center will become a multi-dimensional, cross-functional center of excellence worthy of emulation by other children's hospitals across the nation.

The goals of the National Child Protection, Trauma and Research Center represent a logical extension of the broader mission of CHNMC. In seeking to be the pre-eminent provider of quality health care services to infants, children, and youth in the Washington metropolitan area, CHNMC strives to enhance the health and well-being of all children through responsible programs of excellence in research, education, and advocacy. The dedicated doctors, nurses, social workers, and others associated with Children's Hospital serve the families of sick children, as well as the child. They provide a "continuum of care" that begins with prevention activities and continues through the rehabilitation stage.

Furthermore, Children's Hospital is uniquely qualified to serve as a model program for other children's hospitals in child protection, trauma and related research. With the strengths of the five individual departments composing the Center and its highly competitive residency and fellowship training programs, Children's Hospital already has many of the resources needed to successfully organize, implement and manage a National Child Protection, Trauma and Research Center.

Because of its location in the nation's capital, Children's Hospital National Medical Center is also uniquely situated to play a leading role in child advocacy efforts at the national policy level. Moreover, the District of Columbia is experiencing a rising rate of victimization, as are many other major urban centers in the U.S. Because child victimization tends to appear to a larger extent in urban areas, it is appropriate that the National Child Protection, Trauma and Research Center be located in a major city such as the District of Columbia.

Children's Hospital National Medical Center has the expertise and the commitment to develop a National Child Protection, Trauma and Research Center that will function as a model program. The National Child Protection, Trauma and Research Center will advance and ensure the health and well-being of our children and therefore of our nation as a whole.


National Child Protection, Trauma
and
Research Center
at the
Children's Hospital National Medical Center
Child Abuse
Trauma Care
Pediatric AIDS/HIV Infection
Substance Abuse
Neonatology

COMBAT CHILD
VICTIMIZATION
THROUGH:

- PREVENTION
- CLINICAL CARE
- COMMUNITY OUTREACH
- BASIC AND APPLIED RESEARCH
- TRAINING AND EDUCATION

I. CHILD VICTIMIZATION: A NATIONAL TRAGEDY

This nation's future lies with its children. Therefore, the health of our children is a matter of fundamental importance to us all. Child Victimization -- including physical, psychological, and sexual abuse and neglect -- is an especially troubling children's health problem.

In the past two decades, there has been an explosion of concern in both professional and lay communities about the issue of child victimization. However, policy debates regarding appropriate measures to take are hindered by the lack of consensus about what constitutes victimization, what causes it, how frequently it occurs, and most important, how it can be prevented.

The challenge to protect our children from victimization and abuse has never been more imperative. Today, the youth of this nation are exposed to intense societal pressures and a wide range of negative influences. Susceptible to pitfalls such as drug and alcohol abuse, they are also vulnerable, from the moment of conception, to abuses outside of their control.

These abuses run the range of poor prenatal care, maternal drug addiction, HIV infection, child abuse and neglect, sexual molestation and pornography, and incidents of crime and violence in which they are the victims. The number of children suffering from these maladies is increasing at epidemic proportions in many of America's urban areas.

There is a concurrent crisis in human service delivery, which is compounded by the lack of child mental health programs and impossible caseloads in public departments of child protective services. All these realities directly impact the number and nature of referrals, consultations, and patients actually received at hospitals; and it is expected that current trends will continue well into the twenty-first century.

Statistics documenting the rising incidence of abuse, disease, and injury in infants, children, and adolescents indicate that this nation will be faced with increased medical costs and the need for more far-reaching treatment programs over the next decade.

With children at risk, there are no one-time costs -- there are only lifetime costs. There are several strategic areas where the needs are especially acute, and where demonstration models should be considered to draw attention to the critical need for care and treatment of victimized children. These include:

Child Abuse

- The number of reported cases of child abuse has dramatically increased from 669,000 in 1976 to more than 2.1 million in 1986. Although child abuse cuts across all economic classes, children and adolescents in poor, urban areas are at the highest risk.

- While total child-abuse reporting increased 55 percent between 1980 and 1985, Federal, State and local funding rose only 2 percent.

- More than 1,200 children die each year through child abuse and neglect.

Trauma/Accidental Injury

- Accidental injuries are the leading cause of death in American children after the first few months of life.

- The U.S. Public Health Service currently estimates that 19 million children under the age of 15 are injured seriously enough each year to require medical attention.

- Nationally, approximately 353,000 hospitalizations and nearly 10 million emergency treatments annually are due to childhood injuries.

- Approximately 100,000 boys and girls under the age of 15, who at one time were able-bodied and healthy, have become permanently disabled.

- In 1980, injuries and poisonings (accidental and non-accidental) accounted for 13.3% of acute medical care costs for U.S. children under age 17, or nearly $2 billion dollars.

Pediatric AIDS/HIV Infection

- Over 1,000 children in this country have AIDS. Approximately 10,000 children are currently infected with the Human Immunodeficiency Virus (HIV).

- Approximately 20,000 children will have contracted the Human Immunodeficiency Virus by 1991.

- The Centers for Disease Control predict that by 1991 AIDS will be the leading cause of death in children up to 4 years of age.

- The Office of the Surgeon General predicts that hospital care for infants and children with AIDS alone will cost at least $200 million by 1991.

Substance Abuse

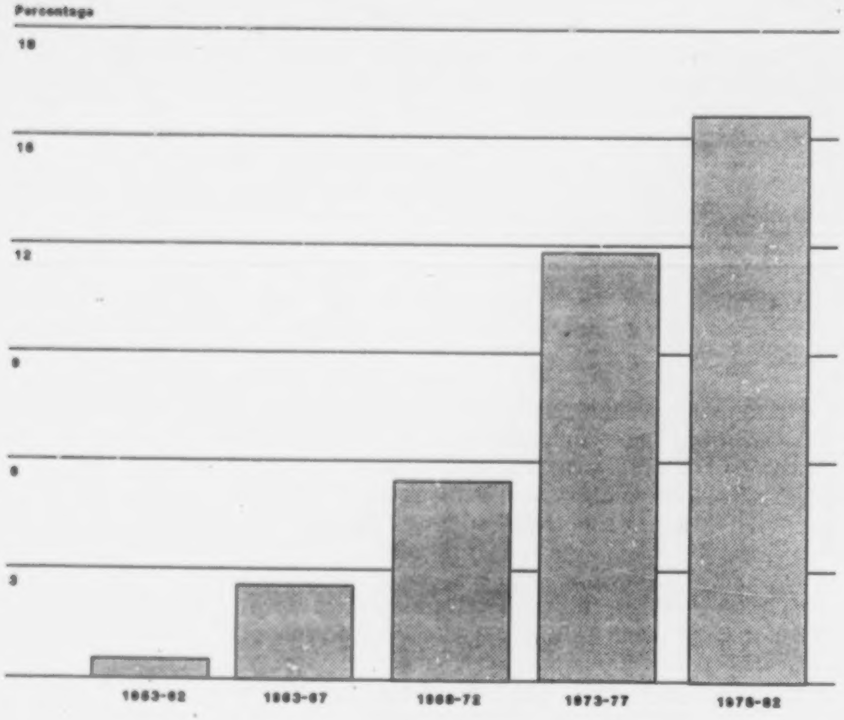
- The National Institute on Drug Abuse (NIDA) reports that 80% of today's young adults have tried an illicit drug by their mid-20's.
- A recent NIDA study reports that 6% of high school seniors use cocaine, 17% of college students, and 20% of young adults.
- Approximately one-half of the high schools surveyed by NIDA showed some reported crack use. Crack has now replaced heroin as the drug of choice in the inner city.
- In 1980, only 1% of the substance abusers under 18 years of age were treated in hospital programs.

Infant Mortality/Infant Morbidity

- The United States ranks 17th among industrialized countries in infant mortality.
- The lack of adequate, comprehensive maternity and pre-natal care has resulted in approximately 40,000 infant deaths on an annual basis.
- Recent projections from the Office of the Surgeon General indicate that 520,000 infants will die before their first birthday if the infant mortality rate continues unchecked.

It is in these key areas that Children's Hospital National Medical Center proposes to develop a comprehensive child protection and advocacy center of excellence, incorporating prevention, training and education, clinical care, community outreach, and research activities to combat child victimization.

Percentage of 13-Year-Olds Who Have Used Marijuana, 1953-1982



Source: National Institute on Drug Abuse
Household Survey, 1982

II. NATIONAL CHILD PROTECTION, TRAUMA AND RESEARCH CENTER AT CHILDREN'S HOSPITAL

Introduction

Children's Hospital National Medical Center has, for many decades, been a leading advocate of children at risk. The impact of the hospital in matters pertaining to child victimization stretches well beyond the greater Washington metropolitan area with CHNMC professional staff frequently called upon to participate in and sponsor national conferences and meetings on strategic medical and health policy issues.

In fact, Children's Hospital National Medical Center is uniquely positioned to assume national and international leadership in response to the problem of child victimization. In close proximity to the White House, the Congress, and the federal agencies with jurisdiction over health and human services, Children's Hospital has been a significant and reliable resource for legislators on child advocacy and related public policy issues.

Health professionals from the Hospital are often invited to testify before Congressional Committees, and a number of doctors are frequent contributors to major health journals. In recent years, Children's Hospital National Medical Center initiated a "Safe Kids Campaign" to organize pediatric accident prevention activities throughout the United States -- the first national effort to curb injuries in major risk areas for children.

Currently, Children's Hospital is nationally recognized for its Child Protection Program, which is the largest of its kind in the nation. For fully a decade, the Division of Child Protection within CHNMC, has treated thousands of maltreated children and their families -- many of them victims of battering, neglect, sexual molestation, homelessness and adolescent pregnancy. Additionally, CHNMC has spearheaded a biennial national symposium on child victimization and has instituted an Interdisciplinary Training Institute related to victimization concerns.

With the rate of reported child victimization on the rise, CHNMC is committed to maintaining its outstanding leadership role through the establishment of a National Child Protection, Trauma and Research Center. In addition to its ongoing participation in policy-making, the Center will serve as a demonstration model for the country in key areas of clinical care and research.

Goals and Objectives of the Center

The National Child Protection, Trauma and Research Center will build on the strong foundation of advocacy, outreach and service to the community established by Children's Hospital National Medical Center since its inception.

Deeply committed to the belief that all children have the need and the right to be protected from every form of violence, victimization, and neglect, and to receive appropriate medical and mental health assessment and treatment with dignity and respect, CHNMC, through the establishment of the new Center, wishes to insure:

- That abused or neglected children receive comprehensive medical and mental health services to promote successful recovery, and that these children are protected from further abuse or neglect;
- That the families, communities, and professionals who serve abused or neglected children be educated in abuse identification and prevention;
- That appropriate preventative strategies are developed and extended to children who are known to be at risk for victimization;
- That avoidable preconditions to victimization be challenged by strong advocacy initiatives.

In implementing the proposed Center for Child Protection, Trauma and Research, Children's Hospital National Medical Center specifically wishes to achieve the following goals and objectives:

- To develop a model, available to be replicated by other children's hospitals, of quality clinical care delivery;
- To extend the hospital's expertise in child victimization response through both local and national training programs;
- To strengthen research activities related to issues concerning child victimization and children's diseases;
- To fulfill a role as a leading child health advocate on a national level.

Five Components of the Center

The proposed Center will be centered around five components -- with each component dedicated to pediatric preventive and rehabilitative care in the areas of:

- Child Abuse Prevention and Protection
- Trauma Emergency Medical Care
- Pediatric AIDS/HIV treatment
- Substance Abuse
- Neonatology Care

Each component of the Center will incorporate quality care programs with advocacy, community outreach, training and research initiatives, as delineated below:

1. Child Abuse Prevention and Protection

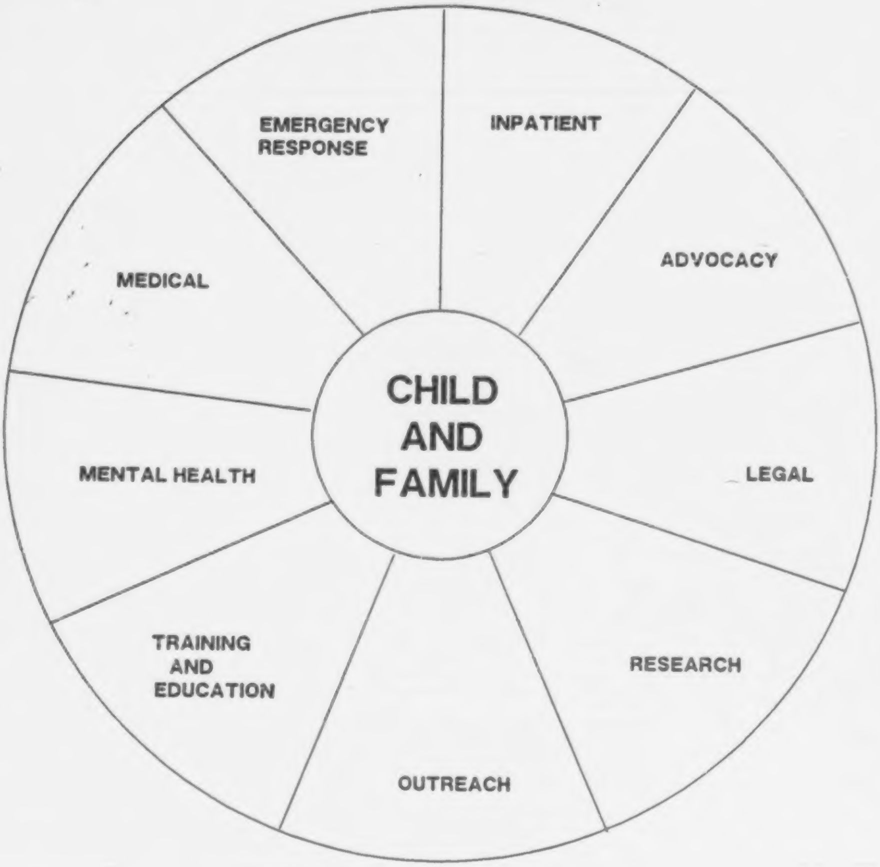
The proposed Child Abuse component of the Center is designed to build on CHNMC's accumulated years of expertise in caring for maltreated children and their families. Through an active advocacy agenda, and intensified public awareness programs, the Center will promote prevention of child abuse.

The Center will establish a model information system, including a registry for victimization reports from all District of Columbia, Maryland and Virginia hospitals, to facilitate identification and articulation of abused childrens' needs.

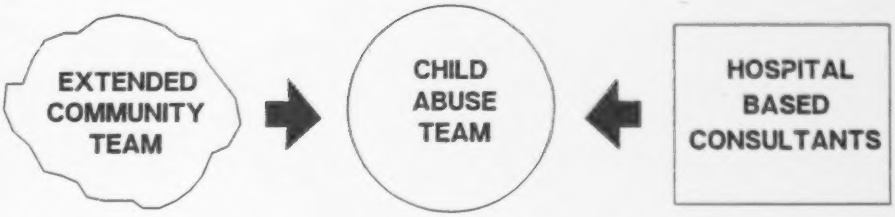
Through the services of the new Center, there will be increased potential to offer internships or post-doctoral fellowships in related areas such as law, law enforcement, child welfare, and mental health. Additionally, the Center will foster a necessary and important expansion in parenting education activities through the District of Columbia public school systems and at various District of Columbia clinic sites.

The new facility will provide a special diagnostic suite where evaluation of child victims of abuse can take place, separated from the current hectic activity of Emergency Room and Ambulatory Clinics. The physical setting will also facilitate the efficient and caring forensic evaluations for which local courts and child welfare agencies have come to rely on Children's Hospital. This will foster interaction among the many professionals whose intervention is essential in cases of child maltreatment.

DIVISION OF CHILD PROTECTION SERVICE COMPONENTS


CHILD
AND
FAMILY
EMERGENCY RESPONSE
INPATIENT
ADVOCACY
LEGAL
RESEARCH
OUTREACH
TRAINING AND EDUCATION
MENTAL HEALTH
MEDICAL

AN OVERVIEW OF C.H.N.M.C. MULTIDISCIPLINARY TEAM AND THE EXTENDED TEAM IN THE COMMUNITY


EXTENDED COMMUNITY TEAM
CHILD ABUSE TEAM
HOSPITAL BASED CONSULTANTS

2. Trauma Emergency Medical Care

Children's Hospital first launched its commitment to comprehensive care for trauma patients and their families in 1980. At that time, the Trauma Center developed a multi-disciplinary, 17 member team to treat the traumatically injured child. As the designated pediatric trauma center for the District of Columbia and Maryland, the Center admitted over 1800 patients in 1988.

Central to the success of the trauma program at Children's Hospital, is the "continuum of care" philosophy. Whereas most hospitals consider trauma care to be synonymous with emergency room care, Children's Hospital recognizes the importance of treating patients and their families in prehospital, hospital and long-term phases of rehabilitation.

In essence, the "continuum of care" is a comprehensive treatment system directed toward the fullest possible rehabilitation of all those touched by traumatic injury. It is this inclusive outlook that has made the Children's Hospital National Medical Center Trauma department a national and international resource center for pediatric trauma care methodology.

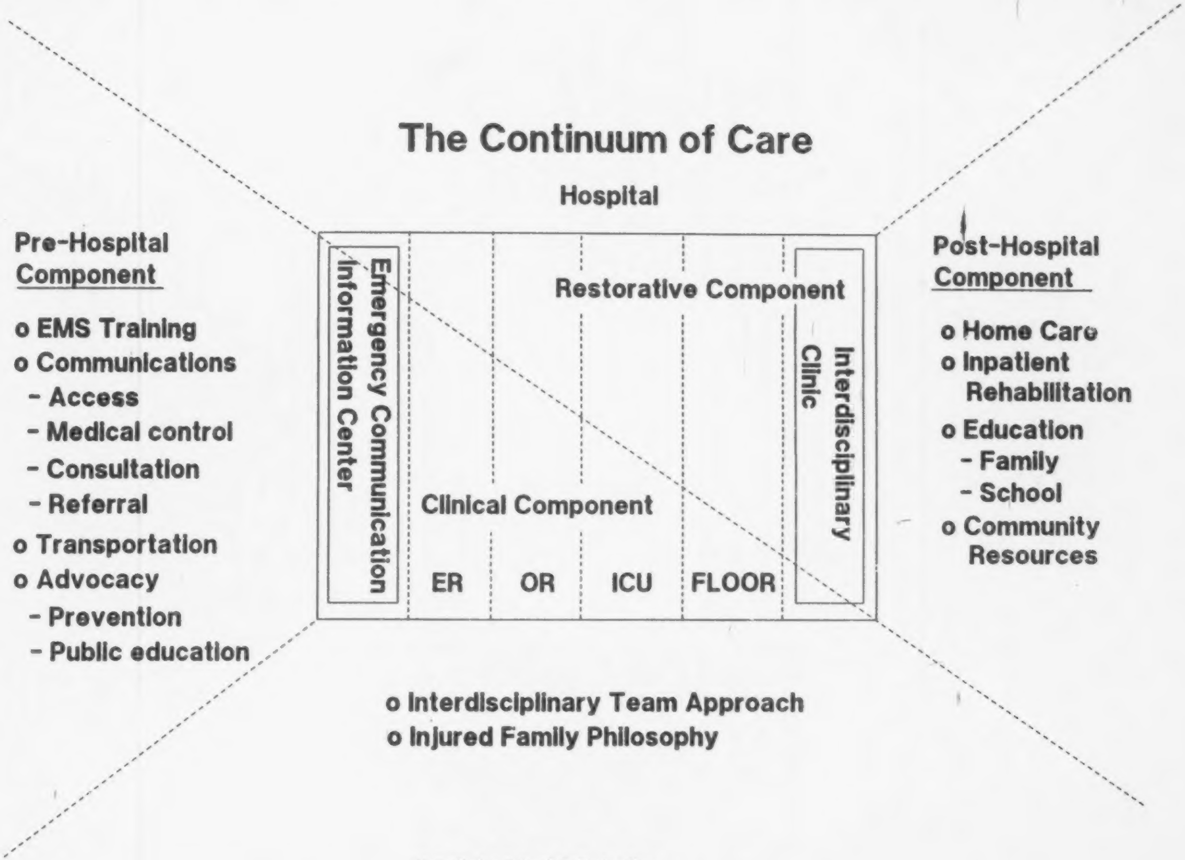
Currently, the Trauma Department maintains extensive data bases on patient care throughout the continuum of care. Analysis of this data results in verification of treatment methodologies and frequent publications in research journals. The new Child Protection, Trauma and Research Center will facilitate growth and advancement in these important areas.

Because the Trauma Department treats child victims of accidental and intentional injury, it will be an integral component of the National Child Protection Center. The optimal space requirements clearly exceed the Center's current space allocation. The new facility will allow the Trauma team to care for more patients in a more efficient setting, conduct more in-depth research, and take on a more aggressive role as a national leader and teacher in pediatric trauma care.

The proposed new Center will allow the CHNMC Trauma Department to serve as a model and resource for the prevention of injury through continuing and enhancing its advocacy programs, such as the "Safe Kids" national campaign -- the first national effort to curb injuries in the five major risk areas -- motor vehicles, drowning, burns, falls and choking.

In recent years, the Trauma department has conducted pediatric Emergency Medical Services training for paramedics in the greater Washington, D.C. area and throughout the country. Children's Hospital recently concluded a training program for more than 200 paramedical instructors from every state and U.S. territory. Through the

The Continuum of Care



Hospital

Pre-Hospital Component

- o EMS Training
- o Communications
  - - Access
  - - Medical control
  - - Consultation
  - - Referral
- o Transportation
- o Advocacy
  - - Prevention
  - - Public education

Emergency Communication Information Center

Restorative Component

Clinical Component

ER

OR

ICU

FLOOR

Interdisciplinary Clinic

Post-Hospital Component

- o Home Care
- o Inpatient Rehabilitation
- o Education
  - - Family
  - - School
- o Community Resources

- o Interdisciplinary Team Approach
- o Injured Family Philosophy

Note: Horizontal axis indicates time
Vertical axis indicates resource utilization

auspices and facilities of the new Center, CHNMC will be able to develop these training programs for paramedics across the country.

3. Pediatric AIDS/HIV Program

Since 1985, Children's Hospital National Medical Center has played a major leadership role in the District of Columbia and the nation in the development and implementation of policies and protocols related to pediatric AIDS and HIV patient care programs.

The Special Immunology Team at Children's Hospital is recognized by federal, state and local entities for its expertise in the care and management of pediatric HIV patients. Already aggressively involved in public and private efforts to educate and organize the city-wide response to the growing challenge of pediatric HIV infection, CHNMC has served both local and national communities through its demonstration model of care and research.

Currently, CHNMC is the only hospital in the Washington metropolitan area with an interdisciplinary team dedicated exclusively to the care of HIV-positive patients and their families. Children's Hospital has identified more than 90 percent of all HIV-infected children in the greater Washington metropolitan area, and serves as the largest referral center for children with pediatric AIDS and HIV infection in the region.

The tracking system designed by CHNMC health professionals currently serves as a prototype by the Centers for Disease Control to establish a national model for surveillance of pediatric HIV infection. Children's Hospital is also actively involved in establishing models of care specific to the needs of adolescents infected with HIV, a population which up until now has been totally overlooked.

Children's Hospital National Medical Center is well-positioned to organize and manage a model pediatric HIV component within its National Child Protection, Trauma and Research Center. The goals and objectives of the CHNMC Special Immunology services are rooted in the belief that all children with HIV infection and their families are entitled to receive diagnostic, therapeutic, consultative counseling and support services in a confidential setting. However, CHNMC faces serious limitations in its delivery of outpatient care to the children and their families because of a severe shortage of available space.

Enhanced facilities, together with program and research dollars, will allow Children's Hospital National Medical Center to improve and expand its pediatric HIV program of clinical care, advocacy, research and education. Specifically, the new Child

Protection, Trauma and Research Center will expand existing laboratories to provide for current and ongoing research on HIV infection and its treatments. It will also:

- Establish a model pediatric HIV clinic for the provision of diagnostic and therapeutic services as well as private counseling and patient centered research.
- Promote the development of consortia by fostering the networking of pediatric and adult programs among all hospitals.
- Develop and distribute educational materials for use by hospitals nationwide, and promote political advocacy on issues pertaining to the prevention and treatment of AIDS.
- Develop new models for social interventions aimed at changing life threatening behaviors, and establish models for service delivery to high-risk drug-using families.
- Develop a system for following families of children who have died, in an attempt to support them in their grief and prevent further spread of the infection.

As the District of Columbia and the nation moves into a future in which the number of infants, children and adolescents with HIV infection is increasing dramatically, the need for expanded programs and facilities becomes a major priority.

4. Substance Abuse

The importance of providing help for adolescent substance abusers is well-recognized and documented. Because adolescence is a critical developmental period in life, heavy drug use and involvement in a drug lifestyle have a greater negative impact on the future of adolescents than on adults. Additionally, adolescents have unique needs, because of their special stage of life, and require tailored programs.

Recognizing that few drug treatment programs in this country are designed specifically to serve adolescents, Children's Hospital National Medical Center proposes to develop a special component dealing with substance abuse within its National Child Protection, Trauma and Research Center. The component will provide a program of intervention necessary for adolescents who, struggling with issues of identity and control, find themselves caught in a cycle of abuse.

A strong case can be made for promoting education and prevention campaigns against all forms of drug and alcohol abuse targeted at children and adolescents. Not only are such campaigns less costly than treatment programs for drug abusers, but they yield additional indirect financial savings to government agencies, taxpayers, and the victims of drugs themselves.

The increased drug trade in Washington, D.C. has been one of the leading causes of accelerated spending in the city police department, court system, prison system, and foster care service. Moreover, the additional spending by these departments as the city copes with the drug situation has forced other D.C. programs to take budget cuts so that these essential city services can be adequately funded. Clearly, the District of Columbia, with its some 200 street markets for drug sales, is a painfully acute example of the urban drug problem.

The new Center will offer a comprehensive program of both prevention and education in this key area, including community outreach activities. The Department of Adolescent and Young Adult Medicine will participate in the programs and community outreach of the Center through a comprehensive program of service, teaching, research and community education focusing on the problem of substance abuse in adolescents.

In conjunction with the CHNMC Department of Psychiatry and with the assistance of local and regional governments, the substance abuse component of the new Center will consist of an active outpatient evaluation program, and an education, training and research operation. The education and training outreach will facilitate information-sharing with the community in matters of drug and alcohol abuse, and provide a valuable resource to the community.

5. Neonatology Care

As a developed nation, the United States has not yet answered the riddle of why so many of our infants die. However, important gains have been made in neonatal intensive care treatments.

In fact, neonatal intensive care has played an increasingly major and definitive role in the improved survival of low birthweight and premature infants since its introduction in the 1960's. Each year about 150,000 to 200,000 infants (from 4 to 6 percent of all U.S. newborns) are admitted to neonatal intensive care units. At least one-half of these are low birthweight babies.

The Neonatal Care Unit of Children's Hospital National Medical Center has earned national recognition for the scope and excellence of its neo-natal treatment programs. Today, Children's Hospital serves as the major neonatal referral center for the metropolitan Washington, D.C. area and the surrounding region. In 1987, patients were referred to Children's Hospital National Medical Center from a total of 54 hospitals up and down the Atlantic seaboard.

Nationally renowned for its revolutionary Extra Corporeal Membrane Oxygenation (ECMO) Treatment program, Children's Hospital National Medical Center has, since the program's inception in 1984, saved the lives of 150 infants suffering from acute respiratory distress. For babies born with severe lung distress, the ECMO treatment has been a life saver. Directed by a team of specialists, the ECMO machine does the actual breathing for the infant, oxygenating, then heating the blood, while the baby's own lungs rest and heal.

Approximately 70 cases a year are referred to Children's Hospital National Medical Center from Eastern seaboard hospitals. This caseload of premature babies represents the largest volume service in the country. Of these referred cases, there is an 85% survival rate.

The new National Child Protection, Trauma and Research Center will allow CHNMC to continue its leadership role in training ECMO specialists throughout the country. The new Center will also allow CHNMC to continue the revolutionary strides it has made in neonatology-related research. To keep CHNMC at the forefront of ECMO research, animal research studies are planned to continue improvement in this much needed procedure.

Increased emphasis needs to be placed on the quality of life for premature and ECMO-treated infants. This can be accomplished under the auspices of the new Center, with studies on prevention of brain damage and long-term effects on development. Additionally, with protected time and enhanced technical support and facilities, the Neonatology team plans to expand and initiate research projects involving surfacant replacement, extension of ECMO techniques, exploration of the role of inflammatory mediators in chronic lung disease, and pathopsychology and pharmacology of pulmonary hypertension and septic shock.

Children's Hospital National Medical Center's current research into pulmonary complications of chronic obstructive lung diseases and cystic fibrosis will be further enhanced through the capabilities of the new Center.

III. CHILDREN'S HOSPITAL NATIONAL MEDICAL CENTER:

A PROFILE

History, Mission and Services of CHNMC

Since its foundation in 1870 -- in a rented house with only twelve beds in Northwest Washington -- Children's Hospital National Medical Center has been dedicated to providing quality health care services to infants, children and youth, enhancing the health and well-being of all children.

Today, after 118 years of service, Children's Hospital National Medical C continues as a voluntary, non-profit hospital and is one of the premier children's hospitals in the country, offering a comprehensive range of the highest quality, technologically advanced pediatric care. CHNMC's teaching programs, research initiatives, and track record of community advocacy and outreach continue to national recognition.

The Hospital's facilities include a 279-patient-bed main facility located in Northwest Washington, two comprehensive care clinics located strategically in the nation's capital, and three suburban clinics in Fairfax, Virginia; Rockville, Mary Laurel, Maryland. An increasing proportion of the hospital's inpatients come fr Maryland and Virginia. In FY 1988, 49.1% of inpatient cases were residents of Maryland counties, with the largest percentage (22.4%) from Prince George's Co and 12.6% from Virginia counties. In FY 1987, 33% of the outpatients treated clinics and departments were Maryland residents, and 9.9 % were from Virginia. Although initially established to treat children of the metropolitan Washington D area, Children's Hospital National Medical Center provided care to children refe from 29 states across the country and several foreign nations in 1988.

Children's Hospital National Medical Center provides a significant volume services to pediatric patients in a range of under-served categories. Indeed, CH has had a long history of providing services to persons in the region, and particu those from the District of Columbia and Maryland, who cannot pay for services are eligible for Medicaid.

During FY 1987, CHNMC provided approximately $24.6 million dollars charity/free care, while another $19.8 million dollars was written off as contractua allowances associated with services provided to publicly-funded patients. 48.6% inpatient days and 56.1% of ambulatory visit volume was generated by patients public pay or self-pay categories. The charity/free care caseload has increased in FY 1988 to an approximate $29 million dollars.

Children's Hospital National Medical Center contributes significantly to the greater Washington metropolitan area through its care of indigent patients in Washington, Maryland and Virginia and a growing portion of the mid-Atlantic region. In FY 1988, CHNMC contributed $22.4 million dollars in hospital services and $6.3 million dollars in physician services for the care and treatment of indigent patients.

Through these services, Children's Hospital National Medical Center has clearly demonstrated its commitment to providing comprehensive medical care to children at all income levels in the community. This commitment continues to exist despite the fact that Children's Hospital National Medical Center is a private hospital receiving no direct, operational support from federal, state, or local governments.

Innovative Health Care for Children

Children's Hospital has long been recognized as not only a champion of children but also as an innovator in child health care. An activist institution, it was one of the first pediatric institutions to realize that the trauma of being hospitalized has a direct impact on the recovery of a child, and has pioneered programs to normalize hospital stays and to prepare a child for hospitalization.

Because treating the family as well as the child is stressed at Children's Hospital, parents may spend the night in their child's room, and special arrangements are made for sibling visits. Since 1949, Children's has pioneered the technique of "rooming in" -- providing space for parents to stay with their hospitalized children.

A number of unique medical/surgical specialties are practiced at CHNMC. These specialties have earned it a national reputation for innovative care. They include:

- **Burn Unit** -- Children's maintains the only pediatric Burn Unit in Washington, D.C. Children in the 12-bed unit are treated by a multidisciplinary team including nurses, surgeons, social workers, and psychiatrists.

- **Kidney Dialysis/Transplant** -- This Center maintains the only home program for children in the greater metropolitan area. The kidney transplant program is one of the largest among children's hospitals in the nation.

- **Emergency Medical Trauma Service** -- Trauma services include helipad capabilities and the only nationwide program to train paramedics in pediatric trauma techniques.

- **Infant Transport System** -- Children's maintains the largest infant transport system in the area, transporting more than 600 critically ill babies from more than 60 area hospitals, annually.

- **ECMO Treatments** -- The nursery houses an Extracorporeal Membrane Oxygenation (ECMO) system, the life support machine used to treat full-term infants in respiratory failure. After three years of the ECMO program, 172 children who had a 20 percent chance of survival at birth, are alive and healthy.

- **Transplants** -- Children's Hospital has an established Bone Marrow Transplant Program and will soon be performing heart transplants as well.

Major Regional Resource for Professional Training

Medical education has been an essential element at Children's Hospital since 1887, when it first began training pediatric physicians. Two of CHNMC's initial graduates received the first and second pediatric licenses ever granted by the District of Columbia. From this early beginning, a strong commitment to medical education has made Children's Hospital a national center for child health care training and education.

Today, Children's Hospital National Medical Center serves as a major regional source of training for physicians, nurses, technologists, therapists, and other allied health professionals. CHNMC's Pediatric Residency Training Program, affiliated with George Washington University Medical Center, is recognized as one of the top five residency programs in the nation.

Among the many other institutions of higher learning with whom collaborative or affiliation agreements for education and training exist are: Georgetown University, Howard University, American University, University of the District of Columbia, George Mason University, Marymount College, Catholic University, Boston University, and Northern Virginia Community College. All of these relationships require that the students receive "hands-on" training and experience at CHNMC.

Children's Hospital National Medical Center residents are in great demand once they have completed training. Of the 129 residents graduated in the last eight years, 51 now hold prestigious fulltime faculty positions at university teaching hospitals including those for Yale, Columbia, New York University, Brown University, Johns Hopkins, and the University of Chicago. Another 34 Children's graduates hold specialty fellowships at Harvard, Northwestern, and the University of Pennsylvania.

Child Health Advocacy – A Tradition of Caring

Children's Hospital National Medical Center, through its long tradition of child health advocacy, has made a significant impact on the surrounding community. This is reflected in its community educational programs geared to prevention of child abuse and other major health hazards for children. Through these initiatives, Children's has become a leader in recognizing the need for intervention to compensate for the fundamental vulnerability and powerlessness of children.

Located in geographic proximity to the White House and Congress, situated at the crossroads of the District of Columbia and two state governments (Maryland and Virginia), and in service to an area spanning some 11 county jurisdictions, CHNMC has become a significant and reliable resource for legislators on child advocacy and related public policy issues.

For example, the Hospital's community awareness program on recognizing the threat of lead poisoning to children resulted in local and national legislation for lead hazard control. Additionally, CHNMC has taken similar leadership roles in educating the community to the health dangers of drug abuse, the need for accident protection, and the incidence of child abuse. CHNMC's Division of Child Protection has received such wide recognition that it now serves as a prototype for other hospital-based programs throughout the country.

Consistent with its advocacy role and commitment to both local and national communities, CHNMC formed a multi-disciplinary team that has recommended policies and protocols as a model for treating the special needs of infants and children afflicted with AIDS.

Since the hospital's Office of Child Health Advocacy was established in 1973, CHNMC's ability to speak on behalf of children's health and well-being, not only within our local community, but also at the regional, national and international levels has been strengthened. Representatives of Children's Hospital are often called on to testify before national, state and local lawmaking bodies to provide information to ensure that public health policy is responsive to the unique health care needs of children. This testimony has addressed a variety of pediatric social concerns such as:

- homeless children
- child abuse

- pediatric AIDS/HIV
- accident prevention
- developmentally disabled children

Throughout the past fifteen years, CHNMC's Department of Child Health Advocacy has spearheaded efforts in the development and implementation of many vitally important programs including:

1. **Comprehensive Health Care Program**

    - Established in 1967 under a grant from the U.S. Department of Health, Education and Welfare (now HHS), two neighborhood clinics provide primary health care services, with an emphasis on prevention, early detection, and health promotion to inner-city children.

2. **Division of Child Protection**

    - Since 1974, the Division of Child Protection has aided victimized children and their families by providing crisis and long term intervention to abused children and their families, and by serving as a liaison for law enforcement authorities.

3. **Home Health Care Services**

    - Pediatric health care is provided to premature babies with underdeveloped organ systems, child accident victims, children with diabetes, apnea, cancer, burns and other chronic illnesses.

4. **Committee for L.E.A.D.**

    - A consortium of more than 30 public and private agencies pledged to prevent childhood lead poisoning in Washington, D.C.

5. **SIDS Education**

    - Training programs for government and health professionals about the risks and treatment for sudden infant death syndrome, held in conjunction with Washington bureau of Maternal and Child Health.

Through its active dialogue with the community and through forceful, compassionate advocacy of children in national, state and local arenas of health care policy, Children's Hospital National Medical Center is a powerful intercessor for victimized children.

CHNMC -- Research Capabilities

Quality health care for our nation's children rests upon the foundation of research to uncover new preventive methods and treatments. Continued excellence in medical care and education at Children's Hospital National Medical Center can be achieved only through a continuing commitment to research.

Children's Hospital is well-positioned to implement research that will have a long-range impact on the treatment and prevention of diseases of infancy, childhood, and adolescence. Situated in the nation's capital, and in close proximity to the National Institutes of Health (NIH) and the George Washington Medical Center, Children's Hospital National Medical Center is able to capitalize more readily than other pediatric hospitals on specialized training and research efforts.

With the goal of establishing research programs of national significance, Children's Hospital has created an Ad Hoc Research Committee, chaired by the Senior Vice President for Academic Affairs, to identify core research areas and plan for the development of focused basic science laboratories. As such, the Expert Research Committee has selected areas which build upon existing strengths within the hospital, and areas experiencing a pressing national need for increased research.

Many of the key areas of research to be emphasized at Children's Hospital during the next decade are linked to addressing major health problems in the nation pertaining to child victimization. A special focus of research at CHNMC will be on behavioral control relative to accidental injury, drug and alcohol abuse, suicide, and transmission of AIDS.

The importance of these problems in our major cities is well known but poorly understood. Behavioral science research has tended to be empirical, with an emphasis on treatment rather than prevention. With the expansion of our research program in the new Center, multidisciplinary research teams will extend ongoing studies to identify important risk factors that predispose to these behaviors and determine the best approaches to interventions for prevention.

For example, a special team of the Children's Hospital AIDS Research program will investigate approaches to modify behavior to reduce the transmission of AIDS among children and to children from adults to children.

Other important priority areas for extended research at Children's Hospital National Medical Center include:

- **Molecular Genetics** -- The new techniques of recombonant DNA technology and reverse genetics are providing rapid advances in genetics. The current Clinical Genetics program at CHNMC is in the process of being combined with the a new Molecular Genetics research laboratory. Emphasis will be on the detection and correction of specific genetics abnormalities.

- **Molecular Virology** -- AIDS Cytomegalovirus, Parvoviruses are important causes of in utero infections which can result in severe damage to the developing fetus. Experts from NIH who are already working at CHNMC will extend their investigations to further identify important viral causes of perinatal infections and methods to prevent these diseases. New joint studies with NIH on AIDS will include the large population of infected children now being seen at CHNMC.

- **Radiation and Energy** -- Induced Birth Defects -- The possible effects of low level exposures of fetal tissues encountered with diagnostics procedures is of great concern. New techniques are constantly being added and used in patient care. Further research will extend the study of the effects of various energy sources on the fetus.

- **Tissue Transplantation** -- The use of cells or parts of organs for more effective transplantation has been under investigation by researchers at CHNMC. These studies will be expanded in extension of joint investigations which are ongoing with NIH. Artificial organs such as liver and pancreas are being developed using cultured cells rather than whole organs.

- **Cell Biology - Cancer Treatment** -- Improved bone marrow transplantation combined with new chemotherapy is proving to be very valuable for certain cancers. Molecular and clinical studies of these approaches will be combined with new immunological approaches in joint studies with NIH.

- **Support of the Critically Ill Child** -- The extension of ECMO and surfactant studies to provide life support to the critically ill child will be pursued. New indices of severity will be defined to monitor alternate approaches. New technical advances will be investigated.

- **Prevention of Heart Defects** -- Basic research on the embryology and teratology of heart malformations is being studies. New investigations will be conducted on experimental drugs and procedures to correct the defects in utero or in early life. Animal studies will be extended on new "catheter surgery", an approach which avoids direct surgical approaches.

- **Prevention of Atheroscleroses** -- Atherosclerosis has its roots in childhood and can be most effectively eliminated by programs which begin in childhood. Research will be conducted on the most sensitive biochemical indicators to screen the pediatric population and then institute appropriate changes to prevent this disease.

Children's Hospital National Medical Center
Specialties and Services

Adolescent and Young Adult Medicine
Allergy and Immunology
Ambulatory Medicine
Anatomic Pathology
Anesthesiology
Birth Defects
Bone Marrow Transplantation
Burn Unit
Cardiology
Cardiovascular Surgery
Child Protection
Critical Care Medicine
Cystic Fibrosis
Dentistry
Dermatology
Eating Disorders
Emergency Trauma Services
Endocrinology
Evoked Response Laboratory
Gastroenterology and Nutrition
Genetics
Hearing and Speech
Hematology and Oncology
Home Health Care
Infectious Diseases
Kidney Dialysis/Transplant
Laboratory Medicine
Neonatology
Nephrology
Neurology
Neurosurgery
Ophthalmology
Orthopedics and Sports Medicine
Otolaryngology
Pediatric Medicine
Pediatric Surgery
Physical Medicine and Rehabilitaion
Plastic and Reconstructive Surgery
Psychiatry/Psychology
Pulmonary Medicine
Radiology
Rheumatology
Sleep Apnea
Spina Bifida
Urology

CHILDREN'S HOSPITAL NATIONAL MEDICAL CENTER

PATIENT ORIGIN - INPATIENTS
FY 1986 - FY 1988

	CASES			PERCENT OF TOTAL		
COUNTY/MARKET AREA	FY86	FY87	FY88	FY86-87	FY87-88	FY86-88
SOUTHEAST CENTRAL	1047	1128	1098	10.7%	10.6%	9.9%
EAST-CENTRAL	938	1051	1065	9.6%	9.8%	9.6%
ANACOSTIA	763	830	909	7.8%	7.8%	8.2%
WEST	403	450	492	4.1%	4.2%	4.4%
NORTH-EAST	139	166	184	1.4%	1.6%	1.7%
OTHER DC	30	44	43	0.3%	0.4%	0.4%
SUBTOTAL - DC	3320	3669	3791	33.9%	34.4%	34.3%
MARYLAND COUNTIES						
PRINCE GEORGE'S	2160	2262	2482	22.1%	21.2%	22.4%
MONTGOMERY	1282	1451	1457	13.1%	13.6%	13.2%
CHARLES	291	346	346	3.0%	3.2%	3.1%
PRINCE WILLIAM	364	391	337	3.7%	3.7%	3.0%
ST. MARY'S	176	183	219	1.8%	1.7%	2.0%
ANNE ARUNDEL	143	161	169	1.5%	1.5%	1.5%
OTHER MD	107	165	137	1.1%	1.5%	1.2%
CALVERT	91	90	127	0.9%	0.8%	1.1%
FREDERICK	76	84	91	0.8%	0.8%	0.8%
HOWARD	50	55	71	0.5%	0.5%	0.6%
SUBTOTAL - MD	4740	5188	5436	48.4%	48.6%	49.1%
VIRGINIA COUNTIES						
FAIRFAX	788	754	753	8.1%	7.1%	6.8%
OTHER VA	279	312	245	2.9%	2.9%	2.2%
ARLINGTON	129	157	164	1.3%	1.5%	1.5%
ALEXANDRIA	144	145	136	1.5%	1.4%	1.2%
LOUDOUN	76	78	91	0.8%	0.7%	0.8%
SUBTOTAL - VA	1416	1446	1389	14.5%	13.5%	12.6%
OTHER STATES/ COUNTIES	311	376	446	3.2%	3.5%	4.0%
REPORT TOTAL	9787	10679	11062	100.0%	100.0%	100.0%

IV. BUDGET FOR CENTER

The estimated cost of the Center is $48,100,000. These costs are as follows:

Construction	$35,000,000
Engineeering, design, and permits	3,500,000
Fixed medical and associated equipment	9,600,000
TOTAL PROJECT COST	**$48,100,000**

The financing of the costs of the Center will be allocated as follows:

Proposed Federal Share	$19,800,000
Proposed Cost-share, Children's Hospital National Medical Center	28,300,000
TOTAL FINANCING	**$48,100,000**

APPENDIX A:

Letters of endorsement for the Center

THE NANCY REAGAN FOUNDATION

February 15, 1989

Dear Mr. Brown:

I want you to know that my association with Children's Hospital National Medical Center throughout the last eight years in Washington has been a most inspiring one. It is a great honor to know that the new Adolescent Recreation Center will bear my name.

I have felt for some time now that Children's Hospital's location in the nation's capital offers it a special opportunity and challenge to advance the cause of quality pediatric health care for this country's most precious resource -- its infants and children.

Your proposed National Child Protection, Trauma and Research Center with its emphasis on prevention and advocacy will play a critical role in reversing the rising rates of substance abuse, child abuse and infant mortality in the District of Columbia and across the nation.

Congratulations on your fine work, and your quality pediatric health care services.

With every best wish, I am,

Sincerely,

Nancy Reagan

Mr. Donald L. Brown
President and Chief Executive Officer
Children's Hospital National Medical Center
111 Michigan Avenue, N.W.
Washington, D.C. 20010

2121 AVENUE OF THE STARS. LOS ANGELES. CALIFORNIA 90067 • 213.552.1600

Effi Barry DISTRICT BUILDING
WASHINGTON, D.C. 20004

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OFFICE OF THE PRESID

January 12, 1989

Mr. Donald L. Brown, President and Chief
Executive Officer
Children's Hospital National Medical Center
111 Michigan Avenue, N.W.
Washington, D.C. 20010

Dear Mr. Brown:

I am pleased to offer my support and endorsement for the new child victimization center currently in the planning stages at Children's Hospital National Medical Center. I am also supportive of your efforts to obtain federal assistance in funding this worthy and needed project.

As you know, I have been involved with child protection efforts within the community for several years, and I am deeply concerned about the problems associated with child victimization. I am enthusiastic about the potential for the National Child Protection and Trauma Research Center hosted by CHNMC to provide the victimized children of D.C. with quality clinical care as well as educational services to prevent further abuses from occurring.

Through my interactions with the Division of Child Protection at CHNMC, I have had the opportunity to witness this center of excellence in operation, and I am confident that it will make great contributions to the National Child Protection and Trauma Research Center. I applaud the dedication of your staff and thank you for your commitment to this city's children.

Sincerely,

Effi Barry

Mrs. Effi Barry

(202) 727-6584

National Committee
for Prevention of
Child Abuse

332 S. Michigan Avenue, Suite 950
Chicago, Illinois 60604-4357
(312) 663-3520

January 26, 1988

Mr. Donald L. Brown
President and Chief Executive Officer
Children's Hospital National Medical Center
111 Michigan Avenue, N.W.
Washington, D.C. 20010

Dear Mr. Brown:

I was extremely pleased to hear about Children's Hospital National Medical Center's proposed plan for the development of a model national program aimed at protecting our country's most vulnerable population -- its children. A National Child Protection Trauma and Research Center will certainly provide us with greater insight and more effective tools for the prevention, care, treatment and research necessary to combat the scourge of child victimization.

The lethal potential of child abuse, accidental injuries, pediatric AIDS, substance abuse, and infant mortality poses a constant threat to the welfare and survival of our society. As a leader in promoting programs beneficial to the pediatric population of the Washington, D.C. metropolitan area, Children's Hospital is well positioned to serve as a demonstration model for similar programs throughout the nation.

I wholeheartedly applaud and support Children's Hospital National Medical Center's efforts to develop a National Child Protection, Trauma and Research Center.

Sincerely,

Frederick C. Green, M.D.
President

American
Academy of
Pediatrics

[illegible]
[illegible]
[illegible]
[illegible]

Provisional Committee on
Child Abuse and Neglect

Chairman
Richard D. Krugman, M.D.
[illegible]
[illegible]
[illegible]
[illegible]

January 28, 1989

Mr. Donald L. Brown
President and Chief Executive Officer
Children's Hospital National Medical Center
111 Michigan Avenue, N.W.
Washington, D.C. 20010

Dear Mr. Brown,

On behalf of the Provisional Committee on Child Abuse of the American Academy of Pediatrics, we will be happy to support your developing national child protection, trauma, and research center. Such a center is clearly needed in this country and our Committee of the Academy has developed a list of approximately 600 pediatricians throughout the United States who are working in the area of abuse and neglect. To the extent our group can assist in the development of your program, we would be happy to do so and applaud your efforts to try to do such a task.

With warm regards,

Richard Krugman

Richard D. Krugman, MD

RDK:jf

CC: Kathy Egan

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FEB - 1 1989
GOV'T & COMMUNITY AFFAIRS

RECEIVED
FEB 27 1989
GOV'T & COMMUNITY AFFAIRS

THE
GEORGE
WASHINGTON
UNIVERSITY

Vice President for Medical Affairs / 2300 Eye Street, N.W. / Washington, D.C. 20037 / (202) 676-3727

RECEIVED
FEB 16 1989

February 13, 1989

Mr. Donald L. Brown
President and Chief Executive Officer
Children's Hospital National Medical Center
111 Michigan Avenue, N.W.
Washington, D.C. 20010

Dear Don:

I am pleased to offer my enthusiastic endorsement for the National Child Protection, Trauma and Research Center which you are proposing to develop. It promises to yield many benefits for the nation's children and for the medical community.

The George Washington University is extremely proud of its long association with Children's Hospital. In serving as the Department of Child Health and Development of The George Washington University School of Medicine and Health Sciences, Children's Hospital has provided outstanding medical education to George Washington University students since 1968. Today, the Pediatric Residency Training Program, which combines the expertise and dedication of your staff with the eagerness and determination of our students, is recognized as one of the top five in the nation.

I am confident that the National Child Protection, Trauma and Research Center you envision will build upon Children's Hospital's excellence in education and in the delivery of quality health care to the children of the Washington, D.C., metropolitan area and visitors from all over the world. I wholeheartedly endorse its concept and your efforts to secure support for this important initiative.

Sincerely,

Tom

L. Thompson Bowles, M.D., Ph.D.
Vice President for Medical Affairs and Executive Dean
Bloedorn Professor of Administrative Medicine
and Professor of Surgery

LTB:lr

3609 EDMUNDS STREET, N. W.
WASHINGTON, D.C. 20007

February 14, 1989

Mr. Donald L. Brown
President and Chief Executive Officer
Children's Hospital National Medical Center
111 Michigan Avenue, NW
Washington, DC 20010

Dear Mr. Brown:

I was delighted to learn of your proposal to develop and implement a comprehensive, national child protection center at Children's Hospital and this letter is to let you know of my complete support.

As the Chairman of the Mayor's Committee for Child Abuse and Neglect here in DC, and as a founder and, for thirteen years, the Executive Director of the DC Chapter of the National Committee for Prevention of Child Abuse, I know very well the social problems which lead to, or impact on, the medical problems of the children which the Hospital sees on a daily basis.

A National Child Protection, Trauma and Research Center, such as you have envisioned, will serve as an excellent demonstration model for similar programs across the country, while fulfilling a need for more prevention and treatment services for vicitmized children in our own area. Moreover, I am confident that the professional staff of Children's Hospital National Medical Center has the experience, expertise and commitment necessary to operate such a center of excellence.

Once again, I applaud the efforts of Children's Hospital National Medical Center in the establishment of such a center, designed to protect our nation's greatest resource -- its children.

Very truly yours,

Joan Danzansky

Joan Cox Danzansky

APPENDIX B:

Biographical Information on Health Professionals at CHNMC

DONALD L. BROWN
PRESIDENT AND CHIEF EXECUTIVE OFFICER

Donald L. Brown has served as President and Chief Executive Officer of Children's Hospital National Medical Center since October, 1986. Prior to that time, he served the hospital as Executive Vice President and Chief Operating Officer and was responsible for day-to-day management, He came to Children's Hospital from the University of Oklahoma Health Sciences Center where he was Associate Dean of Administration in the College of Medicine in Oklahoma City, Oklahoma.

Mr. Brown currently serves as a member of the Board of Directors of the District of Columbia Hospital Association, Child Health Corporation of America, and is a member of the American College of Hospital Administrators, American Hospital Association, and the National Association of Children's Hospitals and Related Institutions, Inc.

JOHN L. SEVER, M.D., PH.D.
SENIOR VICE PRESIDENT FOR MEDICAL AND ACADEMIC AFFAIRS

As Senior Vice President for Medical and Academic Affairs, Dr. Sever is responsible for areas relating to medical care, medical education, and research. Prior to joining the team at Children's Hospital, Dr. Sever was the Chief of the Infectious Diseases Branch, Intramural Research Programs at the National Institute of Neurological and Communicative Disorders and Stroke. Dr. Sever has published more than 500 papers on topics such as measles, german measles, polio, cytomegalovirus infections, and AIDS, and he has developed a number of research programs at NIH relating to infections affecting children and pregnant women.

Dr. Sever received his medical degree and doctorate in microbiology from the Northwestern University Medical School and Graduate School, and his residency training from the Evanston Hospital in Illinois and Chicago Children's Memorial Hospital. He is a Diplomate of the American Board of Pediatrics and editor of The American Journal of Reproductive Immunology and Microbiology.

DONALD W. DELANEY, M.D.
VICE PRESIDENT FOR MEDICAL AFFAIRS

A practicing pediatrician at Children's Hospital National Medical Center for more than twenty years, Dr. Delaney has served as Vice President for Medical Affairs since 1984. Dr. Delaney received his medical degree from The Georgetown University School of Medicine in 1954 and performed his post-graduate training in pediatrics at Children's Hospital National Medical Center. As Chief Resident at Children's Hospital from 1959-1964, Dr. Delaney recognized early on the need to establish a program which addressed the maltreatment of children in the Washington metropolitan area and was instrumental in developing and implementing what has become CHNMC's nationally recognized Division of Child Protection.

Dr. Delaney also serves as a professor of Child Health and Development at The George Washington University School of Medicine and Health Sciences, and serves as a member of the Board of Directors of the Ronald McDonald House and the Regional Center for Infants and Children. Dr. Delaney is a member of the American Medical Association, the American Pediatric Society and the American Academy of Pediatrics.

MIREILLE B. KANDA, M.D.
DIRECTOR, DIVISION OF CHILD PROTECTION

Mireille B. Kanda, M.D., has served as the Director of the Division of Child Protection at Children's Hospital National Medical Center since 1986. As such, she is responsible for all Division operations and activities. Dr. Kanda is a nationally recognized expert in the medical assessment, diagnosis, and management of physically abused, neglected, and sexually assaulted children. Dr. Kanda has special expertise in management of sexually transmitted diseases in children and the use of medical laboratory procedures in the assessment and corroboration of child maltreatment.

Dr. Kanda received her M.D. degree from The George Washington University School of Medicine in 1973 and performed her post-graduate training in pediatrics at Children's Hospital national Medical Center, and in tropical medicine at State University in Port-au-Prince, Haiti. Dr. Kanda recently served as the Co-Chairperson of the National Symposium on Child Victimization, and she currently chairs the D.C. Task Force on Victimization and Community Violence. Dr. Kanda's community responsibilities also include service on the Mayor's Committee on Child Abuse and Neglect, and the Consortium for Child Welfare.

MARTIN R. EICHELBERGER, M.D.
DIRECTOR, EMERGENCY TRAUMA SERVICE

Dr. Eichelberger brings his expertise in the fields of pediatric emergency medical services, trauma, and childhood accident prevention, to the Trauma Care Unit at Children's Hospital National Medical Center. Through his leadership, the Trauma Unit has gained national recognition for its pioneering pediatric trauma care methodology and high success rates.

Dr. Eichelberger is credited with founding and chairing the National "SAFE KIDS" Campaign at Children's Hospital since August, 1987. He also serves on a number of committees and task forces, such as the Mayor's Advisory Committee on Emergency Medical Services; the Advisory Board of the Charles McC. Mathias, Jr. National Study Center for Trauma and Emergency Medical Systems; and the State Committee on Trauma, District of Columbia, American College of Surgeons. In addition, he has testified before Congress during hearings sponsored by the Senate Subcommittee on Children, Family, Drugs and Alcoholism.

Dr. Eichelberger received his medical degree from Philadelphia's Hahnemann Medical School in 1971 and his pediatric surgical training at Children's Hospital of Philadelphia, training under Dr. C. Everett Koop. Dr. Eichelberger's present academic involvement includes an Associate Professorship of Surgery and Child Health at The George Washington University Medical School, and an Adjunct Associate Professorship of Surgery at Dartmouth Medical School.

ROBERT H. PARROTT, M.D.
CHAIRMAN, CHILDREN'S HOSPITAL AIDS COORDINATING COMMITTEE

Dr. Parrott is the Director Emeritus of Children's Hospital and is a vital member of the hospital's AIDS team. He serves as chairman of the AIDS coordinating committee at Children's Hospital; co-chairman of the pediatric subgroup of the Mayor's Task Force on AIDS; chairman of the National Association of Children's Hospitals and Related Institutions Committee on AIDS; and director of a grant to the hospital from the AIDS prevention and service program of the Robert Wood Johnson Foundation.

Dr. Parrot received his medical degree from the Georgetown University School of Medicine, his intern training from the Hospital and his resident training from Children's Hospital National Medical Center. He has also held leadership positions at NIH's National Institute of Allergy and Infectious Diseases and the George Washington University School of Medicine, where he is currently a Professor of Pediatrics.

LAWRENCE J. D'ANGELO, M.D.
CHAIRMAN, DEPARTMENT OF ADOLESCENT AND YOUNG ADULT MEDICINE

Dr. Lawrence D'Angelo is currently the Chairman of Children's Hospital's Department of Adolescent and Young Adult Medicine, and an Associate Professor of Child Health and Development at The George Washington University School of Medicine and Health Sciences. Before coming to CHNMC in 1982, he directed Georgetown University's International Health Services, and held positions with the Centers for Disease Control and the Washington Veterans Administration Hospital.

Dr. D'Angelo completed his undergraduate work and received his Master's Degree in Public Health from Harvard University. He earned his medical degree from Duke University, and completed his internship and residency at Georgetown University Hospital.

GORDON B. AVERY, M.D., PH.D.
CHAIRMAN, DEPARTMENT OF NEONATOLOGY

An internationally recognized expert in his field, Dr. Avery has been the Chairman of Children's Hospital's Neonatology Department since 1963. His most visible accomplishments include authoring the premier textbook on neonatology and assisting with the preparation of legal briefs for the landmark Baby Doe case before the Supreme Court.

Dr. Avery holds a medical degree from the University of Pennsylvania School of Medicine, and a Ph.D. in embryology. He is associated with The George Washington University School of Medicine, serving as Director of the school's Division of Neonatology and as a Professor of Child Health and Development. In addition, Dr. Avery serves on the Mayor's Advisory Board on Maternal and Infant Health, is Chairman of the Fetus and Newborn Committee of the American Academy of Pediatrics, is a consultant to the Bethesda Naval Hospital, Walter Reed, and the National Institute of Child Health and Development, and is a member of the Pulmonary Drugs Committee of the Food and Drug Administration.

APPENDIX C:

Selected News Articles

National Safe Kids Week, 1988

By the President of the United States of America

A Proclamation

During National Safe Kids Week parents, relatives, teachers, and everyone responsible for the care and safety of children should take notice of the many ways in which we can help youngsters avoid accidents and grow up safely. Children themselves should also become increasingly aware of ways to protect themselves and other young people. Each year accidents take a tragic toll of perhaps 8,000 young lives lost and 50,000 children disabled. We need to recall that we can prevent the majority of these incidents—and we need to do as much as we can about it, in homes, schools, places of work and recreation, on the highways, and throughout our communities.

Much has been done already. Americans continue to take responsibility by exercising extra care around the house, as well as by using items such as infant and toddler car seats and seat belts, smoke detectors, flame-retardant clothing, and child-proof packaging; and emergency medical services are developing still greater capacities in the prevention of death and of serious aftereffects of injury.

As more and more of us understand that accidental injuries are avoidable, and as we act accordingly, we will substantially reduce this major source of death, disability, and injury to our hope for the future—our "safe kids." That is a goal to which we can all look forward.

The Congress, by Senate Joint Resolution 240, has designated the period of May 16 through May 22, 1988, as "National Safe Kids Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the period of May 16 through May 22, 1988, as National Safe Kids Week. I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of May, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

WASHINGTON, D. C.
D. 748,019 SAT. 703,620
SUN 1,079,109

JAN 22 1988

PHOTOS BY ELLSWORTH J. DAVIS—THE WASHINGTON POST

Dr. Martin Eichelberger, director of Children's Hospital trauma center, visits Dien Bobe, 13 months, a burn victim, and his mother Patricia.

Child Safety Emphasis Of National Campaign

By Don Colburn
Washington Post Staff Writer

Citing a national poll showing that parents underestimate some of the biggest everyday risks to their children, Children's Hospital National Medical Center declared a five-year war yesterday on the leading killer of children: accidents.

Nearly 8,000 children under 15 died in 1986 of unintentional injuries—not including homicides and suicides, according to figures released by the hospital. An additional 50,000 were permanently disabled.

The "Safe Kids Are No Accident" public education campaign is an effort to reduce that toll.

DR. C. EVERETT KOOP
. . . prevention "name of the game"

"The name of the game today in almost everything we do in public health is prevention," said Surgeon General C. Everett Koop, the campaign's honorary chairman and a renowned pediatric surgeon, at a news conference at Children's Hospital on Michigan Avenue in Northwest Washington. Underwritten by Children's Hospital, the National Safety Council and Johnson & Johnson, the campaign also has enlisted the support of a coalition of 24 civic and health organizations, including the American Academy of Pediatrics, the Girl Scouts of America and the American Red Cross.

Koop said health-preoccupied Americans tend to "love the glamorous things"—transplants, artificial hearts and the surgical separation of Siamese twins—but overlook everyday hazards such as riding in a car without using seat belts or leaving matches around the house.

The challenge of the new campaign, he said, is to get across a less glamorous message: that most of the accidents that kill about 7,800 children a year did not have to happen.

"It's like an airplane pilot taking off," Koop said. "He has a checklist. That's what families have to be taught."

Preventable injuries kill more American children than all childhood diseases combined, and one of every four children is expected to suffer a preventable injury serious enough to require medical attention this year, according to figures released by the campaign.

A national telephone survey commissioned by Children's Hospital showed that parents overestimate the risk to their children from drug overdoses, kidnapings and crime—and underestimate the risk from traffic accidents, bicycle accidents, fires and burns and drowning.

The leading causes of accidental death in children are passenger fatalities in car accidents (1,520 deaths), pedestrian fatalities in car accidents (1,470), drownings (1,200) and fires and burns (1,170), according to figures released by the campaign.

The poll, conducted last month by Peter D. Hart Research Associates, surveyed 404 parents with children under 15.

Besides unspecified support from Children's Hospital, the project's first-year budget of $1 million includes about $800,000 from Johnson & Johnson and about $200,000 from the National Safety Council, said Herta B. Feely, the campaign's executive director.

PERCEIVED RISKS

SURVEY OF PARENTAL ATTITUDES

Although children are about 100 times more likely to die in accidents than to be kidnaped by strangers or to die from drug abuse, drugs and kidnaping top list of parental fears.

Drugs	43%
Being Kidnaped	37%
Auto Accidents	21%
Illness, disease	13%
Other Accidents	10%
Bicycle Accidents	2%
Fire, Burns	2%
Drowning	1%

SOURCE: Peter Hart Research Associates

The campaign will focus first on educating parents about traffic accidents, drowning, burns, falls, and poisoning and choking.

In the next few months, leaders said, the coalition will compile a public policy agenda of legislative and regulatory proposals that could promote healthy behavior and reduce the danger of accidents.

A landmark report on "Injury in America" by the National Research Council and the Institute of Medicine that was released two years ago warned that education by itself, without legal requirements and tough enforcement, "has rarely proved to be an adequate preventive approach."

"The tendency to attribute injuries to 'human error' has nourished the hope that they can best be prevented through voluntary behavior change," the report stated. "Yet neither safety-education campaigns nor driver-education programs have been shown by scientific evaluation to justify the faith and large budgets accorded them."

RESCREEN & SQUARE HALFTONES

Washington Times
Washington, DC

OCT 14 1987
BURRELLE'S

100s of HIV babies seen needing foster care by '91

By Joyce Price
THE WASHINGTON TIMES

About 120 cases of babies infected with the AIDS virus will be confirmed in Washington this year, but by 1991 the number could approach 1,000.

"And two-thirds of those children will be living [and needing care]," said Dr. Robert Parrott, co-chairman of the pediatric subgroup of the Mayor's Task Force on AIDS, who made the projections.

"If these figures prove true, finding foster care for HIV-infected babies here in Washington is going to become the same kind of problem it has been in New York and Newark," he said.

So far, 60 children have been confirmed at Children's Hospital as testing positive for the HIV virus, which causes AIDS, said Dr. Parrott, who also is chairman of the AIDS advisory committee at the hospital. The children were infected perinatally by mothers exposed to the virus through intravenous drug use or sex with an IV drug abuser or bisexual man.

He said in an interview that Howard University and D.C. General hospitals have reported another 80 such HIV-positive infants, and he estimated that approximately 60 of those would be confirmed in later testing.

So far, only eight cases of actual pediatric AIDS have been reported in Washington.

Dr. Parrott discussed his pediatric HIV projections yesterday at a meeting on AIDS education programs at Washington's Whitman-Walker Clinic.

The meeting was one of 31 such sessions being held throughout the nation this month to give community leaders involved in AIDS study and treatment an opportunity to tell representatives of the federal Centers for Disease Control about their own AIDS education efforts and to detail specific problems and concerns they have faced.

"At birth, virtually all babies born to HIV-infected mothers show HIV antibodies," Dr. Parrott said. "However, when the babies are tested later, they are not always positive. We see about a 10 to 15 percent reversal rate. In those cases, the HIV antibodies detected immediately after birth were really the baby's mother's."

Because of the reversal factor, Dr. of HIV-infected babies at Howard and D.C. General is probably around 60.

Because the number of AIDS cases tends to double every year, Dr. Parrott said the same doubling effect can be expected in the numbers of HIV-positive infants.

"So we're projecting we could be just short of 1,000 pediatric [HIV-positive] cases in the District [by 1991]," Dr. Parrott said.

The overwhelming majority of such cases, he said, will be babies infected by their mothers. Because the blood supply has been screened for HIV since 1985, he projects there will be no more than 60 children in the District infected through HIV-contaminated blood transfusions. Most of those cases are likely to be known by the end of next year, he

CLINIC

From page B1

said. "And any additional ones that are found will be newly discovered cases, not newly infected ones," he said.

Dr. Parrott said projections indicate there will be about 17 known cases of HIV infection in hemophiliacs under 13 years of age in the District by next year. But he declined to make any long-range predictions for cumulative numbers for that group because the AIDS virus tends to lie dormant in hemophiliacs far longer than in other high-risk groups.

"It's very worrisome," Dr. Parrott said of the District's pediatric AIDS outlook. "The primary, present and future source of pediatric AIDS in this country, and also in our community, is the IV-drug-using population.

"Education is the answer, but education is not easy. It's difficult to reach IV-drug users with AIDS prevention and education programs because the only thing they are worried about is getting their next fix."

So far, he said, the District has not had major problems finding foster homes for HIV-infected babies whose mothers either are dead or too sick to take care of them. "We've been limping along," he said.

But he predicts that picture could change dramatically if the numbers of such babies reach the proportions anticipated.

With those kinds of numbers, he said, Washington could face the same problems experienced by hospitals in Harlem and Brooklyn, N.Y., and Newark, N.J., which have entire wings filled with HIV-positive babies with no place to go.

"In fact, there could be one or two children in the [Children's] hospital now who could be in that situation when they are medically ready to go," Dr. Parrott said.

He said the citywide AIDS task force is quite concerned about the issue of foster care for HIV-positive babies and is trying to develop guidelines. One of the key sticking points, he said, has been the issue of AIDS testing: "With testing, you're damned if you do and damned if you don't."

D.C. CHILDREN WITH AIDS

	Children of drug users	Infected from blood transfusions[1]
1987-88	120	40
1988-89	240	45
1989-90	400	50
1990-91	960	60

[1] Not including hemophiliacs, of whom there are 17 cases in 1987-88.

Source: Dr. Robert Parrott, chairman of AIDS Advisory Committee at Children's Hospital and co-chairman of pediatric subgroup of Mayor's Task Force on AIDS

Chart by Dolores Motichka The Washington Times

DAILY 14,600

THURSDAY
JUL 14 1988

130 BURRELLE'S 50

Skill, and sadness, in nursing AIDS children

AP Laserphoto

Dorothy Ward-Wimmer of Children's Hospital in Washington comforts an unidentified baby with AIDS. Ward-Wimmer is one of 14 AIDS nurses from around the nation designated to receive awards Thursday from Dr. Robert Windom, assistant secretary for health at the Department of Health and Human Services, in recognition of the work done by all nurses who care for patients with AIDS.

By The Associated Press

WASHINGTON — Morphine snaked slowly, silently down the tube and into the boy's vein. His dark eyes were round and open wide, too big for his wasting body. The light was low. Fear filled the room.

"I hurt all the time now, Dottie," he said.

The nurse tightened her grip on the boy's hand, almost imperceptibly. She didn't speak for a while.

"Do you get scared?"

She asked it serenely, quietly, matter-of-factly.

The boy nodded slightly, a little ashamed.

"A lot of kids get scared," she said. "It's a really scary time."

There was more silence. She kneaded his hand for a long time.

"I'm gonna go now," she said, finally.

"Why?"

"I have to see some other kids."

"No."

"I'll come back."

"When?"

"After lunch. Is that OK?"

"No."

She didn't go just yet, waiting until he was more ready.

"Don't you want to see my ear?" he asked, stalling. "The scab fell off."

The nurse lifted the gauze.

"Oh, that's great. It's looking much better."

The boy looked pleased. He was ready now. As ready as he could be. She left.

In the hallway outside, Dorothy Ward-Wimmer explained that the 6-year-old boy "won't get to leave the hospital unless he gets to go to an extended care facility."

What she means is that he will die. Perhaps not soon, but too soon. He will not go home again.

The medical team making the rounds of AIDS patients on this day at Children's Hospital had conferred for 10 minutes outside the boy's room about how to help the youngster cope with pain. That's all they were left with.

There was talk of finding another place for him, a hospice.

Maria Simmons, the boy's primary care nurse in the floor's intensive care unit, is having difficulty with the prospect. Her eyes moisten. There is discomfort in the air.

"I'm sorry we have to take your patients away after they become your friends," Dr. Shelby Joseph tells the young woman.

The boy's mother, sick with AIDS herself and pregnant again, lies sleeping on a cot in her son's room. She does not wake when the doctors and nurses come in.

Later, Ward-Wimmer is asked whether the young boy is afraid of dying.

"No, he's afraid of being left alone in the room," she said.

Ward-Wimmer, a nurse since 1962, has been in charge of AIDS care at Children's Hospital for two years. On Thursday, she will be among 14 nurses from around the country honored here by the Department of Health and Human Services for their selfless service to AIDS victims.

When she is with one of her young patients, Ward-Wimmer is very still. Otherwise, she's usually in motion and something of a spectacle. A New York Giants football doll dangles from a chain clipped to her smock. There's a fat blue heart the size of a dime on one lapel and a button that says "I care for children and families." Underneath she wears a blue T-shirt, one of six from her hug motif collection. On this day the message is "I Give Great Hugs." Her short gray hair touches a yellow bandanna around her neck.

Everyone in the hospital seems to know her and she seems to know everyone in the hospital. They all call her Dottie.

Over her desk in a cramped and cluttered office she shares with Joseph are rows of photos of children she has cared for, including her own three, now grown.

And there's this sign, a gift from a friend: "One Day I Shall Burst My Bud Of Calm And Blossom Into Hysteria."

Later, there's a little time for a second cup of coffee.

She's asked about the sleeping mother upstairs in the dying boy's room. She admits feeling anger when the woman became pregnant.

"I thought, 'How could she do this to me?' I hate taking care of these babies. I don't want to take care of these babies anymore. I want to take care of babies, but not AIDS babies. I want it to go away. I want AIDS to go away."

Before coming to Washington, Ward-Wimmer ran a hospice in Neptune, N.J. She recalls the 4-year-old cancer victim there who taught her about dealing with dying children.

"I told him, 'It'll be all right.' 'No, it won't, Dottie,' he said.

"That is how you learn. From children."

THE WALL STREET JOURNAL.

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The Human Link

Neonatal Nurses Face Technology, Burnout And Dazed Relatives

Treatment That Saves Infants Often Scars Them as Well; 'A Lot of Miracles, Too'

Paying for Mom's Drug Habit

By BOB DAVIS
Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—Neonatal nurse Meredith Nelson hovers over a gaggle of tubes, needles and wires that keep Flonorial Rorie alive but batter his delicate body.

Flonorial, born three months prematurely, is struggling with lung disease, possible cocaine withdrawal and the negative effects of his treatment. The pure oxygen he needs may blind him; the antibiotics may make him deaf; and the ventilator may wreck his lungs and keep him wheezing for life. "Everything we do to save him hurts him, too," Miss Nelson says.

The dilemma is a daily one at Children's Hospital here, a leading center for high-tech neonatal care. Advanced technology saves ever smaller and sicker infants, but sometimes at a terrible physical cost. Nurses such as Miss Nelson are the critical human link in this machine-age treatment. They care for babies so fragile that just turning the infants over can make their heart rates plunge. They also counsel dazed young parents when further treatment is hopeless.

Treating Families

"The nurses don't only treat the patients," says Elizabeth Van Tassel, whose infant, Benjamin, died at Children's after a two-month struggle with kidney failure. "They treat the parents and the parents' parents, too."

Ninety nurses work in the neonatal ward at Children's; during a recent period they were caring for 36 desperately ill infants. Physicians oversee the treatment, but they have other duties that reduce their emotional ties to the babies. The nurses come to know the babies as well as a mother would. They check the infants constantly for slight changes that signal trouble, and they run the machinery that substitutes for the babies' hearts, lungs, kidneys and bowels.

Most of the struggling newborns at Children's neonatal ward survive. The nation's 534 neonatal wards, which treat about 150,000 babies a year, now save about 80% of two-pound, 27-week gestation babies. That's a big change from just 10 years ago, when nearly all of the infants would have died. But about a quarter of the survivors have serious disorders, including cerebral palsy, extremely low intelligence and retardation. Many also need breathing monitors when they go home.

An Awful Sadness

Despite the favorable survival odds, an awful sadness permeates Children's. The tiniest babies imaginable—more the size of puppies, really, than infants—lie in plexiglass incubators with ventilators taped to their mouths. Intravenous lines sprout from their arms, legs, chests and heads. The babies' lungs threaten to collapse; their brain vessels explode without warning. Often, a partition surrounds an infant, a sure sign that the baby is expected to die soon.

Mark Allen, quiet and serious, is one of only three male nurses in the neonatal ward. He is treating baby William, who is dying of kidney failure and whose skin is horribly chapped and blackened. Mr. Allen makes William's last days more bearable by rubbing him with salve and placing tiny rolls of gauze in his fists to keep him from gouging himself when he convulses. "You're torn between hoping that his signs are good and hoping he passes through this vale of tears quickly," Mr. Allen says.

Newborn nursing mixes high-tech machinery with old-fashioned nurturing. Two nurses linger over one-day-old Sam Mutahar, who was born with a severely shrunken right lung. He wakes up slowly from an operation to implant two thick tubes in his neck and attach him to an extracorporeal membrane oxygenation machine. ECMO, which pumps Sam's blood through an artificial lung, keeps him alive while his lungs grow enough so that he can breathe with a ventilator.

Gentle Stroking

Sam's father, Ali, strokes him gently, whispering his love. An alarm startles them both. A nurse, who studied ECMO technology for a month and runs the pump, quickly cuts the pressure after learning that Sam's blood is draining too slowly. Otherwise, his blood tubes might collapse. The other nurse soothes the tiny child: "Hi there, Sam. Hi there, Sam-I-Am."

The stress of working with tiny patients hovering between life and death frightens off many nurses. Children's says that its neonatal ward is about 10% understaffed, though that is also a function of annual salaries that rarely top $35,000. Amid a general shortage of nurses, Children's ward isn't as understaffed as many neonatal wards, but the nurses often burn out in two or three years. Those who keep at it adopt a no-nonsense professionalism.

Miss Nelson, wiry and aggressive, says that one of her greatest frustrations as a nurse is being responsible for providing care but having little authority. As an eight-year veteran of Children's, she feels that she sometimes knows how to treat the babies better than young resident doctors. Her bachelor's degree in nursing, which is what most neonatal nurses have, doesn't give her the same prerogatives as a medical degree would. But she doesn't hesitate to go over a young doctor's head to a

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more-senior physician if she thinks the doctor has erred in prescribing a drug or ventilator setting.

"It's like breaking in new shoes," she says of her confrontations with the residents. And Kathy Abbott, a first-year resident, concedes that "most of the time the nurses are right."

None of the 620 infants that Children's treats in a year are born in the hospital. They are rushed by ambulance, helicopter or airplane from community hospitals unequipped to deal with severe newborn problems. Some of the babies run up hospital tabs of $100,000 and pay dearly for their mothers' drug habits and ignorance. "We get the ones born in toilets, the ones born at home, the ones born of addicts," says Anne Fletcher, the nursery's medical director.

Meredith Nelson

Tiny Flonorial's condition is complicated by the cocaine his mother admits taking a few hours before unexpectedly giving birth prematurely. Resentment toward the mother spreads quickly among the nurses, but Miss Nelson tries to shrug it off and focus on Flonorial. "These guys are just trying to get a good start in life," she says of the babies.

Flonorial tests negative for cocaine addiction, but he twitches spasmodically—a sign that he may be feeling the effects of the drug. There is little Miss Nelson can do. Full-term babies are swaddled to reduce the pain of drug withdrawal, but a two-pounder like Flonorial can't bear the pressure of cloth on his tissue-thin skin.

Miss Nelson is having better luck with his lung disease. At one point, Flonorial's lungs were so weak that his ventilator was feeding him pure oxygen. Now his lungs have healed somewhat, and his oxygen mix has been reduced to slightly richer than room air.

Tempered Optimism

Miss Nelson checks a light sensor taped to his toe that reports that oxygen is spreading throughout his body and suggests that he may soon be able to breathe unaided. But her optimism is tempered—Flonorial has been on the ventilator for so long that his lungs may be wrecked.

That is the central dilemma of neonatal care—treatment that saves infants scars them, too. Flonorial needs a ventilator because he can't breathe for himself. The machine keeps him alive while his lungs mature, but it can also burst fragile capillaries surrounding his air sacs. All that is left to do then is increase the ventilator's oxygen level to clear the lungs of blood, even though the oxygen may damage his lungs or eyes.

Medical research offers hope of someday relieving this dilemma by devising cures that won't harm the babies so. But even the most advanced technology won't substitute for informed parents. Neonatal wards are jammed with low-birth-weight babies whose parents rarely saw doctors during their pregnancy.

"If we can keep babies in the womb two or four weeks more, that's more important than caring for them during that time in the nursery," says Hugh Craft, a pediatrics professor at the University of Virginia.

Miss Nelson explains Flonorial's problems to his mother, Donice Rorie, but wonders how much gets through. Miss Rorie is like many of the mothers at Children's neonatal ward—poor, single and scared. She still doesn't think her drug taking poses a problem. "I don't have to go to any drug rehabilitation center," she says.

Difficult Choices

The parents face difficult choices. Lisa Lavita, a cheerful young nurse, suctions baby Phillip's lungs free of liquid and turns him to prevent bedsores. Phillip's mother could do the same, Ms. Lavita says, but she doesn't want to take him home even though his care is totting up bills of $1,000 a day.

It's no wonder. One autumn evening, Phillip and another newborn were admitted to the hospital suffering from severe brain damage after having been deprived of oxygen, probably shortly before birth. The parents had about 12 hours to decide whether to remove their children's ventilators. If they removed them, the babies would die; otherwise, they would learn to breathe without help and live indefinitely in a vegetative state. One infant's parents chose death; Phillip's parents chose to continue treatment. Now the one-month-old lies motionless in his crib, staring emptily into space, with no hope of recovery.

A few weeks later, Phillip died. The sight of such suffering makes some nurses doubt the value of pushing technology to its limits. "If I had a baby who was 25 weeks or 26 weeks old, I wouldn't want it resuscitated," says Mary Gerlacz, glancing at the records of Flonorial, who isn't much older than that. "I see too many kids who go home who have massive hemorrhages or who are blind. I don't know if we do them any favor sending them home."

The nurses say that they are honor-bound to remain neutral when parents ask them whether they should continue treatment but that sometimes they become too emotionally involved to remain objective.

A Big Sister

Miss Nelson, for instance, became a kind of big sister to Mrs. Van Tassel's son, Benjamin. She dressed him in a white bandana, with the words "Baby Power" on it, made him a mobile from crossed tongue depressors and warned doctors to leave him alone when he seemed fatigued. Eventually, the Van Tassels say, she helped them decide that it would be kinder to let Benjamin die.

In late September, Benjamin's heart failed. The doctors managed to revive him, but only after massive brain damage. As Miss Nelson recalls it: "I told the parents, 'I think Benny tried to do it himself today. The doctors are keeping him alive so you can be with him when he dies.'" After waiting some time to see whether Benjamin's heart rate would return to normal, the parents made their decision. Mrs. Van Tassel held Benjamin in a rocking chair while Miss Nelson removed his ventilator; a few minutes later Benjamin died in his mother's arms.

"I couldn't have done what I did that morning if these people who I trusted so much weren't there," Mrs. Van Tassel says.

Nurses try to keep the sadness in perspective. "We get a lot of stories that are awful," says nurse Brenda King, a 17-year veteran of Children's. "But we get a lot of miracles, too."

Down the hallway, a chubby blond baby boy and his mother come to visit. The boy lived in the neonatal ward for seven months and was fed intravenously while his shrunken esophagus grew enough for doctors to repair it surgically. Now his proud mother shows off her one-year-old, stopping to thank the nurses and doctors who saved his life. "That's what we get," Miss Nelson reflects. "It's a pat on the back when a baby comes back and he's doing well."

Homicide Top Killer Of D.C. Children

House Fires Lead Md. and Va. Statistics

By Michael Abramowitz
Washington Post Staff Writer

Homicides take the lives of more children in the District of Columbia than any other single type of injury, including drowning, being hit by a car or dying in a house fire, public health experts reported yesterday in an unusual national census of childhood injury.

The District was the only jurisdiction in the nation in which homicide played the leading role in deaths from injuries. The District reported 39 homicide deaths for children between 1988 and 1989, for a childhood homicide rate of 4.20 homicides annually per 100,000 children—more than twice the national rate of 1.89 homicides.

In Maryland and Virginia, in contrast, house fires were the leading cause of injury deaths for people under the age of 15, according to data compiled by researchers at Johns Hopkins University. Homicide was fourth in both states.

Researchers at Hopkins' School of Hygiene and Public Health cautioned that the high homicide rate in the District could undoubtedly be attributed, at least in part, to its urban setting. Although it was not discussed in their summary, they said other large cities could have similar levels of violence against children.

See CHILDREN, A6, Col. 1

CHILDREN, From B1

But officials nonetheless professed themselves surprised and shocked by the data—which covers the years 1988-89—and said they had assumed that different types of accidental injury would have been a more significant problem than homicide.

"It is absolutely frightening to me," said D.C. Public Health Commissioner Reed V. Tuckson, when told of the data. "This is before we experienced the recent upsurge in violence. You could almost conceive of it in 1988 and 1989. But this is very disturbing. . . . We have obviously a large number of parents who clearly are out of control and children who are at very great risk."

Susan P. Baker, codirector of the Hopkins Injury Prevention Center, said she agreed that the homicide numbers are disturbing, but added: "D.C. and every other place have a number of problems, of which homicide is only one and the most intractable." She said the District also reported 18 deaths from house fires and 28 pedestrian traffic deaths in the period studied.

In Maryland, house fires accounted for 120 deaths in 1988-89; motor vehicle occupants, 116; pedestrians killed in traffic, 111; homicides, 87. In Virginia, house fires accounted for 173 deaths; motor vehicle occupants, 170; drowning, 155 and homicide, 127.

The data were contained in a Johns Hopkins monograph providing state-by-state information on childhood injury, which results in about 20,000 deaths annually, making it the leading cause of childhood death in the United States.

The material contained a wealth of new information about childhood injury:

- The national suicide rate for children more than doubled from 1980 to 1989. There were 139 suicides reported nationally in 1980, rising to 275 in 1989. Most were committed by firearms, followed closely by hanging.
- Homicide is the leading cause nationally of injury death for children under 12 months of age.
- Motor vehicles caused 37 percent of all injury-related deaths and were the leading cause nationally of injury mortality for every age group of children, except those under 12 months of age.

When all categories of motor vehicle-related deaths are combined, the researchers said, they constitute the leading cause of death in every state and the District. But the researchers divided up the deaths into several categories such as car occupants killed or pedestrians struck by cars.

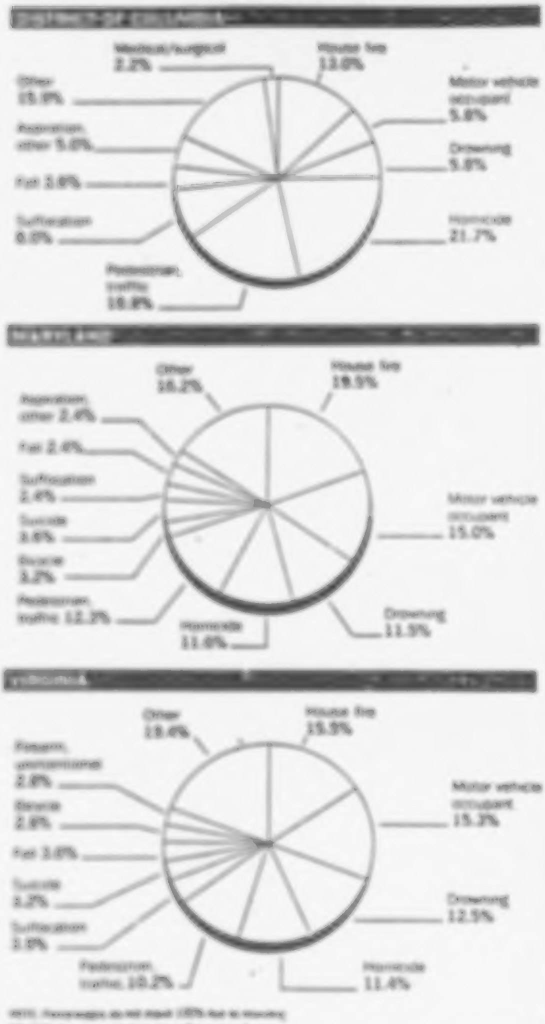
- There are wide geographic variations in injury death rates among children. Alaska, with the highest injury death rate for children, reported triple the rate of Massachusetts, the lowest.

Baker and researcher Anne E. Waller said the data suggest the need for a wide variety of preventive measures by governments and parents, including greater use of smoke detectors and sprinklers, increased use of bicycle helmets and more controls on firearms.

Their study in the public health journal offered some interesting insights. In Utah, for instance, a state that has the highest percentage of Mormons in the nation, there was a relatively low incidence of motor vehicle occupant deaths, suggesting "a beneficial effect on children of social policies [reflecting, in this instance, religious tenets of Mormons] that reduce alcohol use by adults."

FATAL CHILDHOOD INJURIES

PERCENTAGE OF DEATHS OF CHILDREN THROUGH AGE 14 DURING THE PERIOD 1980-85



NOTE: Percentages do not equal 100% due to rounding

SOURCE: The Johns Hopkins Injury Prevention Center

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Drugs Get Choke Hold in Early Stages of Life

District Sees Increase in Pregnant Women Who Use Cocaine, PCP

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BURRELLE'S

By Lynne Duke
Washington Post Staff Writer

If the newborn baby is a girl, she will be named Kim-erly. If her mother's prayers are answered, she will be rtually normal.

With luck, there will be few telltale signs—no exces-ive sweating and crying, no violent seizures, no brain amage—of the teaspoonful of heroin that her mother el, 33, shot herself up with each day during the fetus' rst three months of development. Nor of the cocaine at Del had used intravenously each week.

Del, a heroin addict for about seven years, is among a pidly growing number of District women who are us-g cocaine, PCP, heroin and methadone during their egnancies. These women, some of them in their ens, have added a disturbing new dimension to the area's drug epidemic, created life-threatening risks for their fetuses and newborns, and filled hospital nurseries with hundreds of babies who, because of a grab bag of symptoms, require special and more lengthy care.

It is a relatively new phenomenon, for which comprehensive statistics are lacking. But hospitals and research centers here and nationwide have reported an explosion in the incidence of infant drug addiction and intoxication.

The trend appears to be concentrated in areas of heavy drug activity and at hospitals that treat large numbers of indigent patients or those receiving public assistance.

From January through November of last year, 142 drug-addicted babies were born at Greater Southeast Community Hospital, compared with 16 in 1983, 18 in 1984, 19 in 1985 and 55 in 1986. At D.C. General Hospital, there were 195 births of babies whose mothers admitted to drug abuse. They accounted for 11 percent of births at the hospital last year, up from 3.2 percent in 1982, 5 percent in each of the following two years and 8 percent in 1985 and 1986.

BY FRANK JOHNSTON—THE WASHINGTON POST

Dr. Yvette Reid, at front, works with nurses Sandra Payne, left, and Ina Weston.

Counting the babies born of drug-abusing mothers, however, is an imprecise process and the numbers may be much higher, neonatologists say. The women frequently fail to tell their doctors that they are using drugs. Some of the women will not allow doctors to test their urine. And urine testing of a newborn may be inconclusive if performed too long after birth.

Even when a newborn's urine tests positive for drugs, some women continue to insist they have not used anything, doctors say.

For those reasons, Dr. John Grausz, chairman of neonatology at the Washington Hospital Center, said any attempt to accurately record the number of drug-addicted babies born there would be futile. "It may be as high as 10 percent. That's a wild guess. It could even be higher," he said.

Doctors and nurses who work with drug-abusing mothers say they also are seeing women, particularly young cocaine abusers, who do not seem to care about their newborns.

"When people used to be heroin abusers, those mothers seemed pretty concerned about their babies and they wanted the babies off and they would give the babies the medication," Grausz said.

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Lined Hit-

More Drug-Addicted Babies Seen

"My impression with cocaine is that the cocaine abusers don't care. The heroin mothers would come and they'd relate to their babies and learn how to take care of their babies. The coke mothers, they don't come. We often have to go out and really chase them down so they'll come and take the babies home. I have a real concern that when these babies get home, there are going to be many neglected babies because coke makes them not care."

Some doctors speculate that perhaps the insidious effects of cocaine put the women on a cycle of drug-seeking behavior that leaves little room for concern about the fetus, for which many seek little or no prenatal care, and the newborn.

In addition, doctors say, many expectant mothers are using more than one drug. "We're seeing more mothers who are using combinations of heroin, cocaine and PCP," said Dr. Yvette Reid, a neonatologist at D.C. General. "Two or three years ago, we didn't see that."

Public health workers say some women are shocked and ashamed when they learn about the effects that drugs can have on their unborn children. In the best-case scenario, such as Del's, a woman's pregnancy is diagnosed early enough for her to stop using drugs and begin bolstering her health.

Del, a Congress Heights resident who asked that her last name not be used, is expecting her third child next month. She said she did not use drugs during her other two pregnancies. In August, when she was arrested on heroin possession charges, she learned that she was three months pregnant. For three months, she had been giving heroin and cocaine to her baby. "I had a lot of different feelings," she said. "One of them was abortion, and fear that my baby wouldn't be normal."

Del was placed in the Pregnancy Substance Abuse Program at D.C. General. She stopped using heroin and cocaine. But because the withdrawal symptoms from heroin were considered too risky for the fetus to go through, she was placed on methadone, a heroin substitute used in drug treatment.

"The fetus can go through withdrawal and the fetus can die in utero," said Dr. Howard Wood, director of the clinic.

So far, Wood said, he has not detected any problems for Del's baby, such as retarded fetal growth. Del's methadone dosage will be reduced progressively as her delivery date approaches. The newborn likely will go through some degree of methadone withdrawal, but its chances of suffering neurological damage will be reduced.

Heroin addicts who continue using the drug without any treatment during pregnancy "have babies that have a failure to thrive," Wood said. The babies are listless and often have no suck and swallow reflexes. They have poor breathing ability and little or no motor control, he said. "If the baby's brain is so depressed from these drugs, they can't do these things on their own," he said.

Withdrawal for a newborn is the same as for an adult addict, Grausz said. Such babies are irritable and sweaty; their noses run. Some go through violent seizures that could cause them to asphyxiate.

Del says that had she known she was pregnant, she would have stopped using heroin and cocaine. "A lot of times, when you're out there in the life style, the last thing you think is that you're pregnant," she said. She was accustomed to disruptions in her menstrual cycle caused by intravenous drug use.

Del's baby may also have to contend with some effects of her mother's cocaine use, doctors say. Although use of more than one drug makes it difficult for neonatologists to attribute specific symptoms to specific drugs, researchers have provided a road map.

According to Dr. Ira Chasnoff, director of the Perinatal Center for Chemical Dependence at Northwestern University near Chicago, cocaine has been linked to incidence of fetal strokes, which can cause paralysis and brain damage. In some cases, cocaine abuse has led to genital, urinary tract and kidney malformations in babies.

Cocaine use may result in premature births through early separation of the placenta, researchers say. And even if a fetus reaches full term, it often is much smaller than normal.

Research also has established a strong link between cocaine and sudden infant death syndrome. At Children's Hospital, babies whose mothers used cocaine during pregnancy are at the top of the hospital's priority list for being sent home on breathing monitors, said Dr. Mhairi MacDonald, vice chairman of neonatology.

Cocaine-addicted babies do not experience the same withdrawal symptoms as those addicted to heroin. Instead, doctors say, they suffer intoxication from the drug's stimulatory effects on their brains. They tend to be extremely cranky and hyperactive. Their cries are high pitched, and they suffer from fine but persistent tremors.

PCP produces effects similar to that of cocaine, researchers say. In addition, PCP babies experience extreme behavior swings that may be caused by brain damage. "Those children are very labile, meaning that they can be very quiet and sleepy and suddenly be startled awake and become agitated and disoriented, then suddenly drop off into a deep sleep," Chasnoff said.

Because PCP is stored in fat and brain cells, researchers believe that the mood swings may be triggered years down the road. Long-term damage to the nervous system also is suspected. Cocaine and PCP can be transmitted to babies through breast feeding, researchers add.

At times, Del says, the stress of being a single parent, a recovering addict and pregnant gets to her. "I get the thoughts of wanting to pick up," she said.

But she has found a support network that includes the clinic and frequent Narcotics Anonymous meetings. Running away, she said, is often the first thing an addict wants to do when someone tries to help.

"But I told Dr. Wood I'm not going to run. I'm going to have my baby here . . . . I know that if there is a problem I still have the pediatric clinic, also the social workers, the public health workers. So I know that I can still get help if it happens that there is something wrong with my baby.

"If it's a girl," she said, "I want to name her Kimberly."

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Focus

Child Abuse: the Emotional Side

Some Scars Aren't Found on the Body

By Don Oldenburg
Washington Post Staff Writer

A teen-age mother, frustrated and feeling trapped at home with her 3-year-old daughter, routinely screams at the child, "I wish you were never born." A 5-month-old boy is left unattended in his crib day after day until the back of his head is worn bald. A Maryland father holds a pistol to his 8-year-old son's face to teach him a lesson he'll never forget.

There are none of the bruises, blood and broken bones sometimes found in child abuse cases involving beatings and sexual molestation that scream so often these days from newspaper headlines. Rarely does child abuse that scars only the mind make the news. The most severe cases occasionally attract attention of the authorities. But the vast majority go quietly unnoticed—except by the victim.

Despite growing recognition by mental health and legal experts that "psychological maltreatment" of children, as it has now been labeled, is an insidious and largely invisible assault on the minds of the nation's next generation, the problem proves difficult to identify, even harder to define. When the target of abuse is gray matter alone, issues and answers get stuck in a murky gray area of controversy.

"We don't have any consensus. We can't agree. That's the heart of this problem," says Dr. James Egan of the intensifying debate among experts on what constitutes psychological abuse and how to remedy it. As head of psychiatry at Children's Hospital in northwest Washington, Egan says virtually all of the psychologically abused children he identifies come to him for other complaints. It's a fact, he says, that indicates the intangible nature of the evidence of mental harm.

"If you take a child that has had a cigarette burn put on by a parent . . . the major reason that is damaging is not the damage to the skin," says Egan, who argues that psychological abuse is the "dominant part" in most physical abuse cases. "To break an arm skiing is not generally considered damaging to a child. The same broken arm caused by a parent is considered an unthinkable condition. The difference between those two broken arms has to do with the psychological meaning of the experience."

Egan says the array of abusive conditions he sees every day is enough to boggle the mind. They regularly exceed manageable and practical definition of a problem he thinks threatens family life and social stability in the United States. Recently, a woman who brought her 13-month-old child to Children's Hospital admitted to doctors that her family name and her child's name were different because the child wasn't really hers. "She said she only liked little babies, and her sister liked older children," recalls an angered Egan. "So she gave her sister her own 30-month-old in exchange for her sister's 13-month-old.

"Why isn't that neglect and abandonment? It's child abuse in my judgment. The child has been abandoned at will by the parent, and not because the parent was ill or infirm or incarcerated or any of the other situations. Those children's experience was that the parents didn't want them. That makes it very damaging."

But is it illegal? "No," he answers.

Another incident Egan recently witnessed may, indeed, have been illegal—but not because of its psychological injury to the children. While driving on I-270, he spotted a blue Chevette traveling at about 60 miles an hour with its hatchback open. Playing on the platform near the open hatch were two small children. Most

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BY PATRICIA CULLEN-CLARK FOR THE WASHINGTON POST

who say it is al' around us and we've got to take action now."

Most experts, including Besharov, do agree that an increasing number of serious abuse incidents fall through the crack between ambiguous definition and the lack of a clear-cut solution. But how many is debatable. Since Congress almost inadvertently included "mental injury" (with no further clarification) in the Child Abuse Prevention and Treatment Act of 1974, states have been required to report cases of emotional abuse and neglect. But using what amounts to a "know-it-when-you-see-it" approach means the tally of actual cases remains as fuzzy as the definition. Counting state and research figures, an article in the February issue of American Psychologist estimated "conservatively" that about 200,000 incidents of strictly emotional abuse take place in the United States every year. Some experts scoff that that is the tip of the iceberg, pointing out that it is probably inherent in what some estimate to be a million-plus cases of physical abuse and neglect of children each year.

"The truth of the matter," says Besharov, who is an attorney, "is that fewer than 2,000 children die of abuse and neglect every year. That makes it the fifth most common cause of death among children under 14, and obviously a cause for national concern. It doesn't make it a case for national crisis or for a no-holds-barred emergency response."

But for the problem to gain public and media attention, contends Besharov, cynics would require a million incidents a year. "The way to build up the incidents to a million," he says, "is to include all forms of child neglect and all forms of emotional abuse, including shouting and belittling children. Only when you include all forms of emotional abuse do you get anywhere near a million.

"Serious psychological abuse cases amount to 200,000 a year," he says. "That is a serious enough problem and we ought to do something about it. We just don't have to exaggerate it."

Stuart Hart, a professor of educational psychology and director of the national Office for the Study of the Psychological Rights of the Child at Indiana University-Purdue University at Indianapolis, is halfway through a two-year project sponsored by the U.S. Department of Health and Human Services to develop an operational definition of emotional maltreatment. He sees the emotional abuse of children as "a powerful challenge to our culture" that demands a comprehensive remedy and not a "fragmented, crisis-only, quick fix."

Working with psychologist Marla Brassard of the University of Massachusetts at Amherst, Hart is attempting to draw the line that separates what is and isn't emotional abuse. "If you consider treatment of children as a continuum with highly positive and supportive interaction on one end and severely damaging acts on the other," explains Hart, "we're looking at things that fall from the extremely negative point to some neutral point—in other words, the mildly to moderately to severely destructive."

Extreme acts of emotional abuse and neglect are easily identified—by experts and by the courts. For punishment, a child is locked in a dark closet for hours, or even overnight. A child is tied to a bedpost while the parent goes to the store or to work. Failure to thrive—children who aren't emotionally nurtured enough start losing weight and can even die—is considered emotional neglect. Hart adds to this list acts of continual humiliation (hanging the sheets of an adolescent bed-wetter from his window), isolation from outsiders and peers, constant degrading and terrorizing.

But, in its milder forms, what appears to be psychological maltreatment to some experts is considered by others simply poor parenting. Among actions that Hart includes as emotional abuse are setting low expectations for a child, failing to give a child attention, putting unfair pressure on a child, using coercive discipline and punishment, even milder forms of put-down and rejection ("He's the clumsy one in our family" or "She's the slow one").

Sometimes what parents brush off as just talk, some mental health experts believe is abusive and damaging language: "The parent that says, 'Why don't you go live with your father,' or 'I'd go crazy if I had to stay home and take care of you,' " says Egan. "That's just routine talk in many homes . . . Most parents, even when they do

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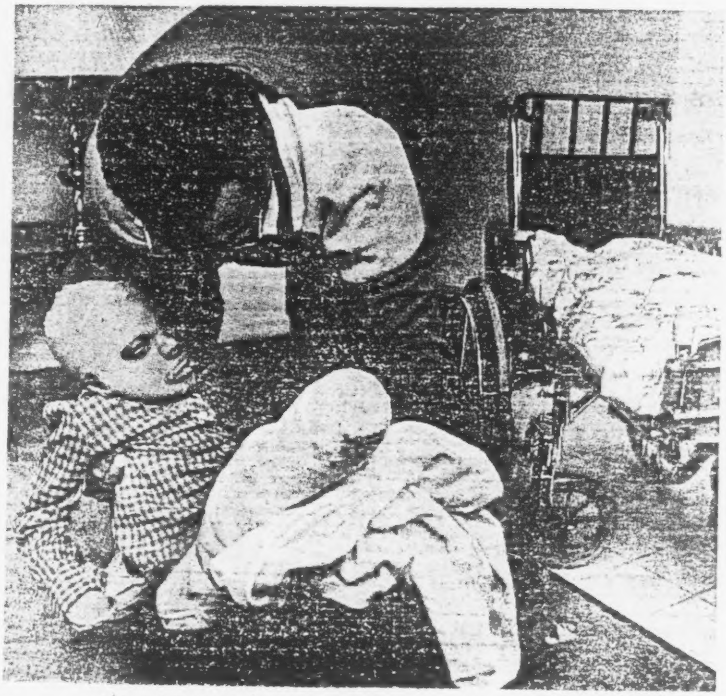

BY LUCIAN PERKINS—THE WASHINGTON POST

Terrence Taylor, wearing a body bandage because of burn injuries, is lifted into his wheelchair by his father, Phillip.

Va. Family Shares Child's Enduring Pain

6-Year-Old's Crippling Injuries Are Harsh Reminders of Fire

By Lynda Richardson
Washington Post Staff Writer

Terrence Taylor looks in the mirror at himself. He doesn't know the little boy who looks back.

The Terrence he knew used to race on sturdy legs. He used to flash his big brown eyes. He used to talk a mile a minute. He used to love life.

The 6-year-old who stares back in the mirror is missing a face, a right leg, the fingers on his right hand, confidence and the innocence of youth.

An April 6 fire in a bedroom of Terrence's Herndon home is a harsh reality every day for the Taylor family. They want to forget but cannot. They want to move ahead, but find they live one day at a time.

There is no sweet ending to this story. Terrence was an ordinary boy who was living an ordinary life before it was changed horribly in a flash. The Taylors were playing out the traditional American dream in a middle-class subdivision where they have a 30-year mortgage on a split-level house. Their life in the suburbs was filled with church, picnics and birthday parties for the children. They went to Walt Disney World a year and a half ago. They used to talk about a vacation in Myrtle Beach, S.C.

Nine months after the fire, the numbness has worn off. The Taylors no longer live in slow motion. Consoling words from friends and strangers no longer come swirling at them as if from a dream.

The family has welcomed home a boy who does things such as stare silently at his reflection. He wears a tight-fitting body bandage and mask. He looks like a mummy.

See TAYLOR, A12, Col. 1

LINEG H.T-

Love Key to Coping With Child's Injuries From Fire, Family Says

"Mom, it looks a little better," Terrence said after another trip to the bathroom mirror. "Yes, it does," his mother, Louise Taylor, answered.

Louise Taylor, a clerk with the U.S. Postal Service, at times talks with the forced graciousness of someone who wants to wrap up things quickly. She looks weary and smiles flatly. She is ready to move on.

But she voices aloud each uncertainty, each fear. How will people react to Terrence? Will they point and stare? Will he find a job when he grows up? Will he find a girl?

"There will always be different problems," Louise Taylor said of her family's struggle to readjust. "At this point, I don't know whether or not it will end."

It was routine for Terrence to plop on the floor at the foot of his parents' bed to watch television when the color set in the downstairs family room was tuned to a show he didn't like.

On the night of April 6, Terrence was watching "Wheel of Fortune" in the master bedroom. Worn out from a family outing at Lake Fairfax and warmed by a space heater, Terrence fell asleep.

The smoke detector sounded as Louise Taylor was washing lingerie in the bathroom across the hall. The six-bedroom, $200,000 house had three detectors.

She reached reflexively for a towel to fan out the irritation, then called to her husband, Phillip.

"I figured, 'What's wrong with this thing?' " she recalled asking, as her husband loped up the steps from the family room, where he had been watching "M*A*S*H."

She said she then smelled a sickening odor that reminded her of explosives. Then she saw the smoke that billowed under the bedroom door.

Phillip Taylor "just started yelling, 'Get out, get out,' " said Louise Taylor, who grabbed her 8-year-old son Kelvin from the couch downstairs.

Outside the burning house at 2158 Veenendaal Ct., they were joined by a growing cluster of neighbors and two other Taylor children, LaShaune, 15, who had been asleep in her bedroom, and Martin, 12, who had been cleaning kitchen cabinets.

Phillip Taylor was forced to kick in the door of the master bedroom, a smothering vault of black smoke and flames. Terrence was trying to escape. The father scooped up his son.

"I thought it was just soot on him. I had no idea he was burned," said Louise Taylor. "He cried just a wee bit but not that much."

The Fairfax County fire marshal's investigation into the fire remains open.

"We're still waiting for tests to come back," said a spokesman, Sgt. Nicholas Westhoven, explaining that the investigation has taken so long partly because the case involves a juvenile who was severely injured.

A fire marshal's report obtained by The Washington Post states that the fire appears to be accidental and points to an electrical space heater as the "most probable ignition source."

During a recent interview with his mother, Terrence listened with his eyes averted. But he angrily hurled a doll at questions about whether he might have accidentally hit the heater as he slept.

The parents believe the heater was defective. Their attorney, Robert D. Dain of Reston, said he hopes to reach a settlement with the space heater's manufacturer.

"Terrence is going to have a miserable life, probably," Dain said. "He will have tremendous psychological problems and a lifetime of medical treatment. He's going to look horrible. His features aren't attractive. People don't like to be around people like that."

For 38 days at Children's Hospital, Terrence did not open his eyes. Every day, he was on the verge of dying. After assessing burns that covered 58 percent of Terrence's body, doctors told his parents that their son would likely die. The burns in some instances had melted skin into fatty tissue like sand into glass.

"I feared first of all we could not save him," said Judson Randolph, the director of the burn unit at the hospital where Terrence arrived by helicopter in respiratory arrest.

"I wanted them to realize how serious the burn was. I also wanted them to realize if he slipped away, it was sort of an act of God."

"We never try to be ugly or anything . . . I told them that in burns of this magnitude, more children died than survived, which is the truth."

Terrence's small, swollen body in the adult-sized hospital bed was mottled in color—dull black, brown, beefy red, leathery white. His body chemicals were going haywire. His kidneys came close to failing. Tubes were stuck everywhere.

The bad news kept coming. Terrence developed pneumonia. He stopped wiggling his right fingers. The fingers, burned nearly to the bone, withered and had to be amputated. Terrence got a potentially lethal blood clot that broke up and drifted from his aorta to his right ankle. His toes turned black because of a lack of blood circulation. He got gangrene. The bottom half of his right leg had to be amputated.

As Terrence lay still in the hospital bed for weeks, he did not respond to the voices reaching out to him.

Some of the voices came from family members, who were displaced and scattered among relatives and friends for months while a new house was being built on Veenendaal Court. His 35-year-old mother slept on two chairs in a hospital waiting room, then on a couch.

Some of the voices also came from Louise Archer Elementary School in Fairfax County, where his kindergarten class sang songs that were played to Terrence on a tape cassette. His kindergarten teacher, Sandy Beall, recited into the tape one of Terrence's favorite stories, "The Little Engine That Could."

Terrence opened his eyes on a Sunday morning. It was the first encouraging sign of his return to consciousness.

Yet one fear replaced another as the weeks went by.

Terrence was not breathing on his own. A machine, taller than a dishwasher, controlled how many breaths he would take a minute, how much air he would need and the pressure at which he would receive the air.

Hospital staff members feared his dependency would be permanent. Brain-dead people lived on breathing machines.

"It was downright scary," said Barbara Pummer, a nurse in the hospital's burn unit. On the 60th day, Terrence was successfully weaned off the respirator. "That was the milestone that allowed us to say, 'Maybe Terrence is going to make it.' There was a lot of relief," Pummer said.

Phillip Taylor tried to draw a smile out of his son, who scooted swiftly on his knees across the carpeted floor of the family room. Terrence was playing hard to get.

"As soon as you get your new leg, I'm going to buy you books and shoes," the father said. He hugged his protesting son, who was scheduled for another surgery to have an inch or two shaved from his amputated right leg. The bone had grown through Terrence's flesh, his father explained, making it difficult to wear a prosthesis.

Phillip Taylor is an ex-marine. He served in Vietnam. But the 37-year-old man often slips into the background on the subject of his son. The father, who wept after seeing his son in the hospital, reads medical journals and articles in search of fresh hope.

"It sort of bothers me every now and then," said Phillip Taylor, a maintenance engineer for the Sheet Metal and Air-Conditioning Contractors National Association in Vienna.

As her husband romped with their son, Louise Taylor leaned over and whispered, "My husband is not nearly as strong as I am. It bothers him so much. He's not that strong to be such a big guy."

Nine months after the fire, the Taylors said they have endured on the power of their love for Terrence. They have accepted a little boy who is much quieter. Their boy also is more comfortable in the company of others with lost limbs. Their Terrence will sleep only in his parents' bed instead of his own toy-filled room, waking up usually twice a night.

They notice the subtle changes in their own lives. They talk about the guilt they felt when they went on a three-hour shopping trip and Terrence thought they had run away. They express their feeling of confinement almost with embarrassment.

"I guess I don't have as much freedom as I had before but that's okay," said Louise Taylor, who spends about 10 hours a week taking her son to treatment. She and her husband bathe and put cream on Terrence's body twice a day on the weekends.

Yet she is upbeat, almost always.

"This whole accident has been a blessing. It has brought the family closer. My husband is more into church. He realized the Lord could have taken Terrence but spared his life," she said. ". . . I didn't realize I had so many friends. I just didn't realize people could be so good. This accident is truly a blessing."

Terrence's first day of class on Nov. 2 was his first self-conscious step back into full public view.

He held his mother's hand. He was wrapped from head to toe in the special outfit that compresses his hypertrophic scars. He was quiet, his mother said, but not scared as he walked on a new artificial leg to Fair Hill Elementary School.

His mother had prepared her son for the scene at the school. The school had prepared the students.

An unprecedented assembly for the school's 420 students was called in the days before his arrival. Parents of pupils in his class were invited. Three specialists from Children's Hospital brought specially made dolls to explain how Terrence looked and how he felt.

But the scene, so agonizingly planned, became a menagerie with Terrence as the main display. Three television station crews came to chronicle his triumphant day.

"He closed right up," said Brian Hull, who headed the school's special center for physically handicapped students. "It came across well on the broadcasts, but behind the scenes, it was tearing him apart and it was tearing me apart . . . . The lights, the focusing on the child. This was his first day of school. We didn't know how and yet we had to make it feel natural. It wasn't a natural situation."

Terrence has settled into Fair Hill. He has developed a special fondness for the computer that rests in a quiet corner of the classroom. He is the computer whiz in the class of eight pupils.

His parents expect Terrence to stay at the school for at least two years, until his body suit is removed. They prefer the environment because the other students are comfortable with Terrence.

School isn't the problem, though. It is the rest of the world.

Some child called Terrence a monster the other day.

Terrence didn't say anything as he waited for treatment at Children's Hospital. He just looked down. He is getting used to it.

STATEMENT OF ROBERT A. MALSON

Mr. **Brown**. Mr. Malson?

Mr. **Malson**. Thank you, Mr. Brown, and Mr. Chairman, and members of the committee.

I ask that my prepared testimony be submitted for the record and I will say a few words.

I served for 4 years as the senior policy advisor to the D.C. Department of Human Services. While there I had the opportunity to witness many of the child abuse and victimization cases that come before the city. Since I left, the situation has grown much worse.

The proposed center would address in cooperation with the city problems affecting the community as well as a proposed policy center to address many of the comparable problems affecting children around the country.

The statistics are frequently as brutal as the lives that the children themselves have to face. We had over 100 babies last year weighing less than 2.2 pounds admitted. We cared for over 1,600 cases of child abuse and neglect. We recorded 56,000 visits in our emergency room, from which 1,600 children were admitted with traumatic injuries.

We experienced a 500-percent increase over the prior year in the number of youth admitted because of an assault with a deadly weapon; and we are currently tracking more than 200 cases of HIV-positive children, 70 percent of them being District residents.

These statistics represent just a sample of the devastation confronting our children's health—but the most important fact to remember is that they also represent our future. We must also understand that while the District of Columbia is experiencing extreme rates of child victimization as are other similar U.S. cities, we are uniquely positioned to take a national leadership role in addressing and solving the problem.

We are pleased to follow our colleague from the nursing profession because we think our testimony tracks very well with theirs and the seriousness of the problem can't be overstated. We think this center could address the practical and policy needs of the community and country. We think we are ideally located here to assist.

[The statement follows:]

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Children's *Hospital*
Children's *Research Institute*
Children's *Foundation*
Children's *Faculty Associates*

TESTIMONY OF
ROBERT A. MALSON
MEMBER OF THE BOARD OF DIRECTORS OF
CHILDREN'S NATIONAL MEDICAL CENTER
PRESENTED TO
THE SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA
COMMITTEE ON APPROPRIATIONS
U.S. SENATE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

JULY 19, 1989

GOOD AFTERNOON MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE. I AM ROBERT A. MALSON, MEMBER OF THE BOARD OF DIRECTORS OF CHILDREN'S NATIONAL MEDICAL CENTER. I AM ACCOMPANIED BY DONALD BROWN AND DR. MARTIN EICHELBERGER. THANK YOU FOR THIS OPPORTUNITY TODAY TO PRESENT TESTIMONY ON BEHALF OF CHILDREN'S HOSPITAL AND TO INTRODUCE AN EXCITING PROJECT OF GREAT NATIONAL IMPORTANCE.

MANY OF YOU ARE ALREADY FAMILIAR WITH CHILDREN'S HOSPITAL, AND THE CARE WE PROVIDE FOR THE INFANTS, CHILDREN AND ADOLESCENTS OF THE WASHINGTON METROPOLITAN AREA. FOR 118 YEARS NOW, WE HAVE OPERATED AS A VOLUNTARY, NON-PROFIT HOSPITAL, AND TODAY WE ARE ONE OF THE PREMIER MEDICAL CENTERS IN THE COUNTRY, OFFERING A COMPREHENSIVE RANGE OF THE HIGHEST QUALITY, MOST TECHNOLOGICALLY ADVANCED PEDIATRIC CARE.

Department of Pediatrics
The George Washington University
Medical Center

WE REQUESTED THE CHANCE TO APPEAR BEFORE THE SUBCOMMITTEE TODAY TO TESTIFY ON THE GROWING NATIONAL TRAGEDY OF CHILD VICTIMIZATION, HOW IT IS AFFECTING THE NATION, AND AN INNOVATIVE PROGRAM WE HOPE TO DEVELOP AT CHILDREN'S HOSPITAL TO ADDRESS IT. AS WE ARE ALL TOO PAINFULLY AWARE, THERE IS A GREAT DEAL OF SUFFERING AMONG OUR NATION'S CHILDREN. OVER THE PAST DECADE, THE NUMBER OF CHILDREN WHO ARE VICTIMS OF VIOLENCE, TRAUMA, ABUSE AND NEGLECT -- ALL FORMS OF CHILD VICTIMIZATION -- HAS SKYROCKETED ON A NATIONAL LEVEL. THE INTENSITY OF THE PROBLEM IS MAGNIFIED IN THE COUNTRY'S LARGEST URBAN AREAS WHERE CHILDREN ARE MORE LIKELY TO BE EXPOSED TO COMMUNITY VIOLENCE, POVERTY, CRIME, DRUGS AND ALCOHOL, POOR HOUSING, INADEQUATE PRENATAL CARE, AND MATERNAL DRUG ADDICTION -- ALL FACTORS THAT TAKE A DEVASTATING TOLL ON CHILDREN. THE DISTRICT OF COLUMBIA, WITH THE CITY'S RECENT WAVE OF VIOLENCE, HAS UNFORTUNATELY BECOME A CASE IN POINT OF THE EFFECT OF URBAN MALADIES ON OUR MOST VULNERABLE CITIZENS -- THE CHILDREN.

FOR EXAMPLE, AT CHILDREN'S HOSPITAL LAST YEAR, WE CARED FOR OVER 100 BABIES WEIGHING LESS THAN 2.2 POUNDS; WE CARED FOR OVER 1,600 CASES OF CHILD ABUSE AND NEGLECT (BOTH SEXUAL AND PHYSICAL); WE RECORDED 56,000 VISITS IN

OUR EMERGENCY ROOM, FROM WHICH 1,600 CHILDREN WERE ADMITTED WITH TRAUMATIC INJURIES; WE EXPERIENCED A 500% INCREASE OVER THE PRIOR YEAR IN THE NUMBER OF YOUTH ADMITTED BECAUSE OF AN ASSAULT WITH A DEADLY WEAPON; AND WE ARE CURRENTLY TRACKING MORE THAN 200 CASES OF HIV-POSITIVE CHILDREN, 70% OF THEM BEING DISTRICT RESIDENTS.

THESE STATISTICS REPRESENT JUST A SAMPLE OF THE DEVASTATION CONFRONTING OUR CHILDREN'S HEALTH -- BUT THE MOST IMPORTANT FACT TO REMEMBER IS THAT THEY ALSO REPRESENT OUR FUTURE. WE MUST ALSO UNDERSTAND THAT WHILE THE DISTRICT OF COLUMBIA IS EXPERIENCING EXTREME RATES OF CHILD VICTIMIZATION AS ARE OTHER SIMILAR U.S. CITIES, WE ARE UNIQUELY POSITIONED TO TAKE A NATIONAL LEADERSHIP ROLE IN ADDRESSING AND SOLVING THE PROBLEM. I WOULD NOW LIKE TO TURN TO DR. MARTIN EICHELBERGER WHO WILL DISCUSS CHILDREN'S HOSPITAL'S EFFORTS TO IMPLEMENT A COMPREHENSIVE PROGRAM DIRECTED AT THESE GOALS.

Mr. **Malson**. I would now like to turn to Dr. Martin Eichelberger, who will discuss Children's Hospital's efforts to implement a comprehensive program directed at these goals.

STATEMENT OF DR. MARTIN EICHELBERGER

Dr. **Eichelberger**. I appreciate the opportunity. One of the things I think we have today is we stand on the verge of an opportunity to impact on the quality of the lives of the citizens not only of the District, but I think nationwide. We have the potential of putting together a program that would be a pilot project that would impact upon each of your districts as well as the District of Columbia.

As a parent, as a member of this community, and as a physician-surgeon, it is appalling that the names and faces change; however, the problems remain the same.

This center will clearly focus on five particular areas that are outlined in the testimony presented for you, and I would like that to be added to this presentation. The focus on emergency and trauma is a critical area because if you think for a minute it is the leading cause of death in childhood today, yet it is clear to us that child abuse issues that have to do with pediatric AIDS, a new area, areas of substance abuse and low birth weight infants that require specialized technology to provide them the quality of care we would expect, with these particular focuses, we need to bring together the best innovative minds that we can find today, including your own to bear on this problem and this project so we can come up with something that uses the resources that we already have; two, will put it into a context which other people can use in their own areas to give them the ownership for these solutions, meaning we have to do this in some kind of consentual way, and at the same time do it economically in a way that is efficient and as cheap as possible.

No question prevention is the answer to our problem. One of the things that we need to focus on is to try to get people to understand there are simple things they can do that will make a difference in the way children are treated.

Children I think are victims because they manifest our social behavior, our attitudes toward ourselves. We want to be able to have people understand that if we are affected in the way that we focus on these five issues, it is possible that we will see a lot of these diseases, be in a position where we will save lives, enhance their future and also develop a major force, a labor force that is not going to need disability insurance, that is not going to need medical care because they are healthier because we started at a younger age.

The Safe Kids Campaign which started at Children's Hospital—a year-and-a-half ago, we linked with Johnson & Johnson, a private company. They provided $5 million of funding along with the National Safety Council, which is a nonprofit organization, and today we have 75 local coalitions in place that are focusing on safety for children.

The fact is that it is happening at the local level, focusing on the needs of the local community, and the thinking started here. The problems that we confronted lent easily to developing a p[illegible]n that would affect the Nation as a whole.

I hope that you will find a place in your heart and a will[illegible]r minds to help us with the project and allow us to move [illegible]d with a solution that I think really has long-term effect and [illegible]t and potential.

Thank you very much, sir.

[The statement follows:]

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TESTIMONY OF
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WASHINGTON, D.C.

JULY 19, 1989

THANK YOU MR. MALSON. GOOD AFTERNOON MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE. AS THE DIRECTOR OF EMERGENCY TRAUMA SERVICES AT CHILDREN'S HOSPITAL, I SEE THE DEVASTATING EFFECTS OF CHILD VICTIMIZATION EVERY DAY. OUR TRAUMA UNIT TREATS VICTIMS OF ACCIDENTAL AND INTENTIONAL INJURY, AND AS A RESULT, WE ARE THE INITIAL CAREGIVERS FOR CHILDREN WHO ARE SUFFERING FROM VIOLENCE AND ABUSE, AS WELL AS OTHER TRAUMATIC INJURIES SUCH AS GUN-SHOT WOUNDS AND DRUG OVERDOSE.

AS MR. MALSON EMPHASIZED, WE ARE NOT HERE TODAY TO DWELL ON THE CITY'S PROBLEMS, BUT TO ADVOCATE A SOLUTION. CHILDREN'S NATIONAL MEDICAL CENTER IS PROPOSING TO CREATE A NATIONAL CHILD PROTECTION, TRAUMA AND RESEARCH CENTER TO SERVE AS A DEMONSTRATION MODEL OF A COMPREHENSIVE CHILD VICTIMIZATION CENTER. THE CENTER WILL NOT ONLY PROVIDE DESPERATELY NEEDED CLINICAL CARE AND PREVENTION

Department of Pediatrics
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PROGRAMS FOR WASHINGTON'S YOUTH, BUT IT WILL ALSO CONDUCT RESEARCH ON THE MANY UNKNOWNS OF VICTIMIZATION, AND SHARE FINDINGS WITH THOSE RESPONSIBLE FOR THE HEALTH OF CHILDREN IN THE DISTRICT OF COLUMBIA AND WITH OTHER CHILDREN'S HOSPITALS AND MEDICAL CENTERS ACROSS THE COUNTRY.

RECOGNIZING THAT CHILD VICTIMIZATION IS MANIFESTED IN SO MANY WAYS, WE HAVE DECIDED TO FOCUS ON FIVE PRESSING AREAS THAT DEMAND IMMEDIATE ATTENTION:

- TRAUMA EMERGENCY MEDICAL CARE
- CHILD ABUSE PREVENTION AND PROTECTION
- PEDIATRIC AIDS/HIV
- SUBSTANCE ABUSE
- CRITICAL AND NEONATAL CARE

IN THESE AREAS OF CONCENTRATION, CHILDREN'S HOSPITAL WILL CONDUCT RESEARCH, PROVIDE CLINICAL CARE, ORGANIZE COMMUNITY OUTREACH, EDUCATION AND PREVENTION CAMPAIGNS. EACH

AREA WILL ALSO HAVE READY ACCESS TO THE RESOURCES OF THE OTHER COMPONENTS OF THE CENTER, SUCH THAT THE COMPREHENSIVE NATURE OF THE PROGRAM WILL BE MAXIMIZED. MOREOVER, A KEY FUNCTION OF THE CENTER WILL BE TO SERVE AS A MODEL AND, TO MAKE THESE PROGRAM COMPONENTS AND RESEARCH KNOWLEDGE AVAILABLE TO OTHER MEDICAL CENTERS CARING FOR CHILDREN FOR THEIR REPLICATION, AS APPROPRIATE.

IN A MAJOR EXPANSION OF THE HOSPITAL'S EXISTING PROGRAMS AND FACILITIES, THE CENTER WILL BUILD UPON CHILDREN'S HOSPITAL'S STRENGTHS AND COMBINED EXPERTISE. OUR TRAUMA UNIT IS ALREADY VIEWED BY OTHER HOSPITALS AS THE LEADER IN PEDIATRIC TRAUMA CARE METHODOLOGY. WITH THE EXPANDED SPACE THAT THE NEW CENTER WILL AFFORD, THE TRAUMA COMPONENT OF THE CENTER WILL ALLOW MORE CHILDREN AND THEIR FAMILIES TO BENEFIT FROM OUR "CONTINUUM OF CARE" SYSTEM WHICH WORKS TOWARD ACHIEVING THE FULLEST POSSIBLE REHABILITATION FOR ALL THOSE VICTIMS OF TRAUMATIC INJURY.

THE CHILD ABUSE COMPONENT OF THE CENTER WILL ALSO BE DESIGNED TO INCORPORATE CHILDREN'S HOSPITAL'S ACCUMULATED YEARS OF EXPERTISE IN CARING FOR MALTREATED CHILDREN AND THEIR FAMILIES. THROUGH AN ACTIVE CHILD ADVOCACY AGENDA AND INTENSIFIED PUBLIC AWARENESS PROGRAMS, THE CENTER

WILL PROMOTE THE PREVENTION OF CHILD ABUSE AND WILL EXPAND OUR PARENTING EDUCATION ACTIVITIES.

THE PEDIATRIC AIDS/HIV COMPONENT OF THE CENTER WILL ADDRESS ONE OF THE GREATEST THREATS TO CHILDREN'S HEALTH THAT WE FACE TODAY. CURRENTLY, CHILDREN'S IS THE ONLY DISTRICT HOSPITAL WITH AN INTERDISCIPLINARY TEAM DEDICATED EXCLUSIVELY TO THE CARE OF HIV POSITIVE CHILDREN AND THEIR FAMILIES. IN FACT, WE HAVE IDENTIFIED MORE THAN 90 PERCENT OF ALL HIV INFECTED CHILDREN IN THE GREATER WASHINGTON METROPOLITAN AREA, AND WE NOW SERVE AS THE LARGEST REFERRAL CENTER FOR CHILDREN WITH PEDIATRIC AIDS AND HIV INFECTION IN THE REGION.

CHILDREN'S HOSPITAL WILL APPLY ITS INTERDISCIPLINARY SPECIAL INFECTIOUS DISEASE TEAM TO THE OPERATION OF A MODEL PEDIATRIC AIDS/HIV PROGRAM WITHIN THE NEW CENTER. RESEARCH ON HIV INFECTION AND ITS TREATMENTS WILL BE EXPANDED, AS WILL NEW SYSTEMS FOR TRACKING AND TREATING HIV-INFECTED CHILDREN. WE WILL DEVELOP AND DISTRIBUTE EDUCATIONAL MATERIALS FOR USE BY HOSPITALS NATIONWIDE, AND ESTABLISH A MODEL PEDIATRIC HIV CLINIC FOR THE PROVISION OF DIAGNOSTIC, THERAPEUTIC, AND COUNSELING SERVICES.

THE SUBSTANCE ABUSE COMPONENT WILL EMPHASIZE THE EDUCATION AND PREVENTION ASPECT OF CONTROLLING SUBSTANCE ABUSE, AND WILL INCLUDE AN ACTIVE RESEARCH FUNCTION. DEVELOPING AND IMPLEMENTING EFFECTIVE COMMUNITY OUTREACH CAMPAIGNS IN THIS AREA WILL BE A TOP PRIORITY.

FINALLY, THE CRITICAL CARE, NEONATOLOGY COMPONENT WILL DELIVER INTENSIVE CARE TO IMPROVE THE SURVIVAL OF LOW BIRTHWEIGHT INFANTS AND CRITICALLY ILL AND INJURED CHILDREN. THIS COMPONENT WILL ALSO BUILD UPON THE EXPERTISE OF THE HOSPITAL'S NEONATAL CARE UNIT, A NATIONALLY RECOGNIZED CENTER OF EXCELLENCE FOR THE MID-ATLANTIC REGION, EQUIPPED WITH STATE-OF-THE-ART TECHNOLOGY, AND ALLOW MORE CRITICALLY ILL CHILDREN TO RECEIVE ADVANCED, LIFE-SAVING TREATMENT.

THESE FIVE COMPONENTS WILL WORK TOGETHER UNDER THE UNIFIED UMBRELLA OF THE NATIONAL CHILD PROTECTION, TRAUMA AND RESEARCH CENTER TOWARD THE ERADICATION OF CHILD VICTIMIZATION IN OUR COMMUNITY. WITH EACH STRIDE WE MAKE TOWARD ACHIEVING THIS GOAL HERE IN THE DISTRICT, AND OUR REGION, WE WILL STAND AS A SHINING EXAMPLE TO THE REST OF THE NATION OF A CREATIVE SOLUTION TO A MOST DIFFICULT PROBLEM.

DONALD BROWN, PRESIDENT OF CHILDREN'S HOSPITAL, WILL NOW MAKE A FEW REMARKS, AND THEN I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE. THANK YOU VERY MUCH.

Mr. **Gallo**. Thank you and let me thank you, Mr. Brown, and your colleagues who are very concerned with this.

Senator Adams?

Senator **Adams**. Thank you all very much for your testimony.

I have no questions.

Mr. **Gallo**. Mr. Green.

Mr. **Green**. I certainly appreciate the problem you are raising. I guess my problem on this subcommittee is whether we want to get into the project business, particularly projects that perhaps more properly belong to the Labor, Health and Human Services and Education Subcommittee and the National Institutes of Health, which we on this subcommittee do not fund.

I agree these are national problems and I can understand why you have come to Congress, but I wonder if the appropriate source isn't the other channel, not ours.

Mr. **Brown**. I just brought for you, which I would like to enter into the record, this is a publication of the Department of Transportation, which is a Federal agency, which has now taken up the banner for the Safety Kids Campaign.

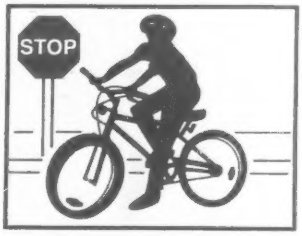
[The information follows:]

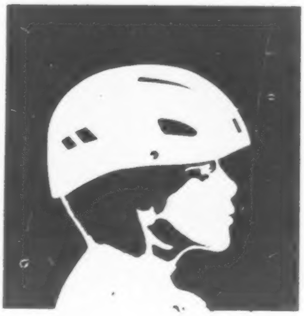
SAFE KIDS are no accident!

PREVENT BICYCLE ACCIDENTS

A Message for Parents

Each year 1200 bicyclists are fatally injured and over 1/2 million bicycle related injuries are treated in hospital emergency rooms.





Modern Bicycle Helmet

It's the best protection from mishaps that can kill or disable for life.

A bicycle is not a toy. It's a vehicle!

Males are five times more likely to be killed as bicyclists than females. More than half of all bicyclist deaths occur to school age youth (ages 5-17).

Most bicyclist deaths result from bicycle-motor vehicle collisions. But injuries can happen anywhere - in parks, bike paths, and driveways and often do not involve motor vehicles.

Head injuries are the most serious injury type and is the most common cause of deaths among bicyclists. The most severe injuries are those to the brain that cause permanent damage.

Studies have proven that bicycle helmet use can significantly reduce head injuries.

How can you help stop these tragedies?

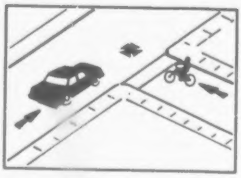
- Buy your child an approved bike helmet. Purchase one that has a sticker inside certifying the helmet meets standards of the Snell Memorial Foundation and/or the American National Standards Institute (ANSI Z90.4).
- Let your child help pick out the helmet because it must be worn every time he/she rides. If you're a rider, buy one for yourself, too, and set a good example by wearing it. Also encourage your child's friends to wear helmets.
- Make certain your child's bike is the correct size, safely maintained, and has reflectors. Children under age nine should not ride their bikes in the street. They are not able to identify and adjust to the many dangerous traffic situations.
- Teach your child to always stop and look left-right-left before entering the road. This is a good pedestrian safety practice, too, for crossing the street.
- If a bicyclist rides in the road, the cyclist must obey traffic laws that apply to motor vehicle operators. Instruct your child on the bicycle rules of the road. Driver licensing agencies and highway departments are good sources for booklets that explain bicycle safety rules. Enroll your child in a bike safety education program if one is available in your community.
- Never allow your child to ride at night or with audio headphones. Stress the need to ride alert since most drivers do not see riders. Bicyclists should ride single file on the right side and signal their intentions to other road users.

Five Common Bicycle and Motor Vehicle Accidents

Midblock Rideout

This is the most frequent accident type for young riders and occurs soon after the bicyclist enters the road from a driveway, alley or curb without slowing, stopping or looking for traffic. The bicyclist's sudden entry leaves the motorist too little time to avoid the collision.

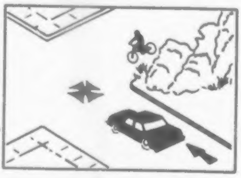
"Bicyclist" - ***Stop and look*** left-right-left for traffic before entering the road.



Wrong Way Riding

Motorists do not expect traffic to be approaching from the wrong way. It is the exception to the rule that creates the condition for an accident which is the main reason why it is unlawful to ride facing traffic.

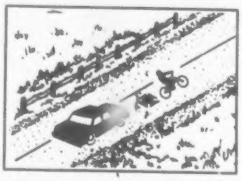
"Bicyclist" - ***Go with the flow!*** Ride Right - with traffic just like cars do.



Motorist Overtaking Cyclist

This accident occurs because the motorist fails to see and react to the bicyclist until it's too late. This accident type is more frequent at night, on narrow rural roads, involves driver inattention, and also involves drunk driving.

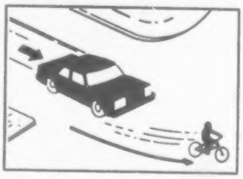
"Bicyclist" - ***Avoid riding at night,*** on narrow roads and where highway speeds are over 35 mph. Always use lights and reflectors if you must ride at night.



Bicyclist Left Turn or Sudden Swerve

The bicyclist swerves to the left without checking traffic, without signaling and moves into the path of an overtaking motor vehicle. The motorist does not have enough time to avoid the collision.

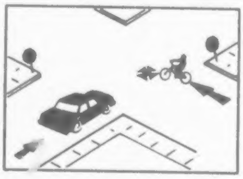
"Bicyclist" - ***Be predictable.*** Always ride in a straight line. When preparing to change your lane position, look behind you and yield to overtaking traffic. For making a left turn, give the left-hand signal and when it's safe, move left to the left lane. Give the left-hand signal again and then make your turn when it is safe to do so.



Stop Sign Rideout

This accident occurs when the bicyclist enters an intersection that is controlled by a sign and collides with a motor vehicle approaching from an uncontrolled lane. The bicyclist fails to stop/slow and look for traffic before entering the intersection. This improper action leaves the motorist too little time to avoid a collision.

"Bicyclist" - When driving your vehicle, ***obey all traffic signs and signals.*** At busy intersections, get off your bike and walk across the road as you do when you are a pedestrian.



For additional information write:

U.S. Department of Transportation
National Highway Traffic Safety Administration

400 7th Street SW (NTS-23)
Washington, DC 20590

SAFE KIDS are no accidents!

Mr. **Brown**. In essence, we have given them ideas and direction and these have cost a significant amount of outlay on our part. This has not gone without personal and economic impact.

The Department of Maternal and Child Health has been very active in helping us take literature and translate it into the Spanish language so that it can reach more and more of our American population.

So I don't think that this is something that is far outside the premise and responsibility of this particular committee and congressional appropriation process.

Mr. **Green**. I wasn't suggesting that your proposal was outside the scope of the appropriations process. I was addressing the limited jurisdiction of this subcommittee as opposed to the broader scope of the Department of Labor, Health and Human Services, and Education Appropriations Subcommittee which is more concerned with national health issues that you very properly raise.

Mr. **Gallo**. Let me say that the statistics you have outlined are alarming. I think that the overall project that you are describing would fall more within the jurisdiction of the Labor, HHS and Education Subcommittee. But it does not hurt us at all to have those statistics, and have them in mind when we are reviewing this budget, so I thank you very much for your testimony.

Abortions

STATEMENT OF ROSANN WISMAN, EXECUTIVE DIRECTOR, PLANNED PARENTHOOD OF METROPOLITAN WASHINGTON

Mr. **Gallo**. Next we have Rosann Wisman, executive director of Planned Parenthood of Metropolitan Washington.

If you have testimony, we will make it part of the record. If you would like to abbreviate your testimony, we would be happy.

Please keep in mind that we do have quite a few individuals and we are trying to keep to the 5-minute rule.

Ms. **Wisman**. Mr. Chairman, and distinguished members, it is a pleasure to be here at this joint committee meeting. I have written testimony and I will submit it for the record.

Mr. **Gallo**. It will be made part of the record.

Ms. **Wisman**. I am Rosann Wisman, executive director of Planned Parenthood of Metropolitan Washington.

Planned Parenthood of Metropolitan Washington is the oldest and largest provider of family planning services in the National Capital area. Our three clinics in the District of Columbia service 10,000 low-income women and men annually. Planned Parenthood provides more family planning services to prevent the need for abortion than any other organization in our community.

I think our name, Planned Parenthood, really says more about what we are about than anything else. But we know that even with the use of contraception, unintended pregnancies are a reality.

As a major provider of abortion services in the District of Columbia, Planned Parenthood of Metropolitan Washington is committed to providing all women with the option of a safe, dignified, and affordable abortion.

I am here today because I want to tell you, the members of the committees, about three women who have come to Planned Parenthood of Metropolitan Washington since last September when Congress prohibited the District from assisting poor women who needed an abortion. These are real stories about real women. Each woman was affected by the prohibition. In order to protect the confidentiality of the women involved, I am using only initials.

B.K. was a 23-year-old pregnant woman who had lived since Christmas of 1988 in a District shelter for the homeless with her 3-year-old son and her 4-month-old baby. B.K. was unemployed, lived on public assistance and food stamps, and paid $150 a month for shelter. She stated that she occasionally used drugs, including crack. B.K. had no contact with her family. Her male partner was in jail.

Another woman at the shelter suggested the B.K. contact Planned Parenthood of Metropolitan Washington.

When B.K. came to our clinic seeking an abortion, she was 10½ weeks pregnant. She could barely afford to pay $10 for any medical care.

B.K. made a difficult decision, but one that she believed was responsible given the circumstances of her life.

Until enactment of the congressional restriction, District citizens were able to show compassion and concern for a woman like B.K. by providing her with the public assistance she needed to obtain a safe abortion. Now District citizens can no longer provide women like B.K. with that assistance.

Let me tell you about another woman who came to Planned Parenthood.

R.D. was a 22-year-old homeless District woman who lived on the streets. R.D. was given Planned Parenthood's name by a person at an Alcoholic's Anonymous meeting. R.D. was a multiple-substance abuser, including crack. She thought she was 16 weeks pregnant, but our doctors determined she was 19 weeks pregnant. She had no money.

Planned Parenthood of Metropolitan Washington does not perform abortions past 16 weeks.

We gave R.D. information about shelters for the homeless, substance abuse treatment programs, and referrals for second trimester abortions.

Until enactment of the congressional restriction, District citizens were able to help a woman like R.D. by providing her with the public assistance she needed to obtain a safe abortion. Now District citizens can no longer provide women like R.D. with that assistance.

I want to tell you about a third woman.

A.G. was a young woman who sought an abortion from a public hospital in the District. The congressional restriction prohibited that facility from providing her with the abortion. The hospital referred her to Planned Parenthood of Metropolitan Washington.

A.G. had tested HIV positive. She had visible symptoms of AIDS. She was 19 weeks pregnant.

A.G. had no money, and had delayed seeking an abortion for several weeks because she had no money. At 19 weeks, the abortion would cost more than $800.

Again, I must emphasize that until enactment of the congressional restriction, District citizens were able to show compassion and concern for a woman like A.G. by providing her with the public assistance she needed to obtain a safe abortion. Now District citizens can no longer provide women like A.G. with that assistance.

Through tenacity and good luck, each of these three women learned about Planned Parenthood of Metropolitan Washington. We were able to help B.K. by performing the abortion. She tried to contribute to the cost by coming up with about $10.

We helped both R.D. and A.G.—finding other providers for them and giving both R.D. and A.G. the money they needed to pay for the abortion.

Planned Parenthood of Metropolitan Washington cannot afford to continue providing its basic family planning services, which is what we are all about, and subsidize abortion services for poor women in the District indefinitely. Reducing our family planning services would simply compound the problem of unintended pregnancy and the need for abortion.

We are deeply concerned about the hundreds of women who have neither the tenacity nor the good luck to find Planned Parenthood or other health care providers who can help them.

These women risk death or continuing a pregnancy and bearing a child for whom they cannot care. They know they cannot provide the food, shelter, education, and health care needed to give their child a decent life. These women believe that the very difficult decision to terminate a pregnancy through abortion is a responsible and moral decision.

The congressional restriction falls hardest on Washington's minority women. More than 72 percent of the District women who obtain abortions are black or members of other minority groups.

The U.S. Supreme Court in *Webster* v. *Reproductive Health Services* has set the stage for all future public policy decisions about abortion services to be made by the elected representatives of the people in each State. It would be ironic in the aftermath of *Webster* if Congress again denied residents of the District authority to determine whether or not to use local revenue to assist poor women.

The spirit, if not the letter of home rule should command respect for the decision reached by citizens of the District.

The women whose stories I have told struggled with problems in their lives relating to jobs, education, marriage, drugs, or crime which resulted in a grim existence—not only for themselves, but for the children that they have already borne.

They knew they could not provide the financial or emotional support needed to care for another child. They were trying to make a very personal and responsible decision for themselves and their families.

In the past, the residents of the District supported their decision.

On behalf of Planned Parenthood of Metropolitan Washington, on behalf of the thousands of women whom we serve, on behalf of the hundreds of women who may not know how to get additional help, I urge that Congress allow the District of Columbia to resume using local revenue to provide support for poor women who have chosen an abortion.

Thank you.

Mr. GALLO. Thank you for your testimony.

Mr. Green.

Mr. **Green**. I think you know we have tried every year.

Unless the prochoice movement is prepared to get out in the country and change people's minds or change their representatives, I am not optimistic we can do better this year, although I wish we could, and we will certainly try.

Mr. **Gallo**. It is my understanding that this committee has always honored the ability of elected District officials to use local funds and I would assume that is not going to change.

As Mr. Green has said, it has been most difficult on the House floor.

Ms. **Wisman**. I appreciate your thoughts and we will pressure leadership on this issue. We certainly need that.

Thank you all very much.

Safety Fences on Duke Ellington Memorial (Calvert Street) Bridge

STATEMENT OF BENJAMIN H. READ, AD HOC COMMITTEE FOR PUBLIC SAFETY AT THE ELLINGTON BRIDGE

Mr. **Gallo**. Next we have Mr. Benjamin H. Read. Mr. Read, if you have formal testimony, we will make it part of the record. If you can condense your testimony, we would appreciate it. We do have a 5-minute rule.

Mr. **Read**. I am here on behalf of the six community agencies listed in our statement which are constituted for retention of the present federally funded public safety fences at the Duke Ellington Memorial Bridge.

The ad hoc committee requests the subcommittee and I guess this is unusual in light of the requests I have heard, to ask the Mayor to reconsider and withdraw his order of June 8, 1989, not yet implemented, which is to remove the federally funded public safety fences on the Ellington Bridge which were federally funded. The Mayor's order of June 8 is, in our view, socially and fiscally irresponsible. Mr. Barry took this action without any public statement, without any statement of reason presumably, to favor some neighborhood groups who had aesthetic objections to the barriers.

In doing so he ignored the advice of his own top transportation, mental health, and police aids and his own agency who had held extended public hearings on the subject. All of them are on record as concluding that the fences which were installed at the Mayor's initiation have been effective in assuring public safety.

Suicide is the first. Ellington Bridge is the highest in the District except for the Taft Bridge. It has been known for decades as the suicide bridge in the area and has taken a tremendous toll. Normally before these fences went up four to five persons were dying at the bridge each year on the average. Sometimes 1 or 2, sometimes 9 or 10. They have not just gone elsewhere. Psychiatrists know of several patients who have come to see them who have gone to the bridge with a suicidal intent who have gone and saw the fences and are alive today. They have rescued persons attempting suicide. One of the danger points, from tragedy experience in our own family, is when someone tries to rescue somebody, it is the catalyst that causes the fall. Anyone familiar with the long lethal history of that bridge know that if the fences are taken down, those deaths will continue.

It is sometimes difficult to know when the police find a body under the bridge, to know if it is suicide or homicide. They usually say suicide but the problems of accidents and vandalism are very much part of this picture.

Crime and accidents. The fences have also deterred deaths and personal injuries from crime, accidents, and vandalism on and under the bridge. There is sworn testimony that before the fences were completed, a young woman had been thrown to her death from the bridge. Another had been held over the edge and threatened with being dropped to her death unless she submitted to sexual demands. Bridge pedestrians had been robbed under threat of being thrown over the side. Others were afraid to walk across the span because of such fears. A Jesuit priest driving through Rock Creek Park below the bridge, where 20,000 cars pass each day, narrowly avoided death from a falling body. School children had been seen playing on the original low, 3 feet, 8 inches, bridge railings. The fences ended all such dangers. Without the barriers they would be bound to recur.

I guess I am the only one asking the committee to take an interest in not having appropriated funds spent for this particular purpose. The District would have to incur costs of approximately $0.5 million to do what the Mayor's order requests. Detailing that as the statement does, it would have to pay $192,000 to repay the Federal Government and remove the work for removing the fences, when they are working.

In addition it would have to put in hot lines which have been recommended which are a help but which have not brought down the suicide rates in other jurisdictions in the country that I can supply details on.

Finally, it would cost up to $200,000 to fabricate a 6-inch railing which would be specially constructed with the stone work on top of the railing. Obviously 6 inches is not going to deter anything, you can step over it or throw over it. It would not do the deterrent job that the present fence is doing. I sincerely think, I am a lawyer, that those costs would be dwarfed by future wrongful deaths in the city.

The city is on record 10 ways to 12 from the Mayor on down with statements asserting the need for these fences in terms of public safety. The sudden change of the Mayor's in terms of ordering them brought down which has not been explained and which is against the advice of everybody would leave the city wide open to such lawsuits. There are other reasons which are cited in the statement which I will not go info.

But I would submit that when public safety requirements like suicide, crime, and accident prevention must be balanced against aesthetic or historic preservation or architectural conditions, the enlightened leadership should not have a hard time coming down on the side of public safety.

They are not beautiful fences but at one point they were approved by the Fine Arts Commission. Maybe a different paint, we know of an acrylic that is used in Germany and if the District feels it could spend such money it could serve both ends. But we do ask the committee to ask Mayor Barry to reconsider and withdraw order which is unwarranted and financially really extre wasteful.

If the Mayor decides he is going to go ahead and implement order, I do hope that you will decide that Federal appropria not be used for this purpose unless it is to put up equally effe and perhaps more aesthetic barriers.

Thank you very much for listening to me.

Mr. GALLO. Thank you, Mr. Read, for your testimony.

Mr. Regula.

Mr. REGULA. I have no questions.

Mr. GALLO. We will review it and take your recommenda under consideration.

Mr. READ. Would it be all right to leave the statistical part statistical basis for the record?

PREPARED STATEMENT

Mr. GALLO. We will make the statistical material a part record along with your prepared statement.

Mr. READ. Thank you, Mr. Chairman.

[The statement follows:]

PUBLIC SAFETY AT THE DUKE ELLINGTON MEMORIAL BRIDGE

Statement by Benjamin H. Read, July 19, 1989,

Joint Hearing, Senate and House D.C. Appropriations Subcommittees

Thank you for the opportunity to appear on behalf of the ad hoc Committee for Public Safety at the Ellington Bridge. At this time the ad hoc Committee consists of the Samaritans of Washington suicide prevention hotline, the St. Francis Center, Woodley House, the Richmond Fellowship halfway houses, the Andromeda Hispano Mental Health Center, and the Psychiatric Institutes of Washington. We anticipate that most if not all of the thirty mental health, psychiatric groups, churches, schools, and community service agencies that are already on record favoring retention of the present Federally funded public safety fences at the Duke Ellington (Calvert St.) Memorial Bridge will join our committee.

Without any public announcement and against the advice of his top public health, safety and transportation aides and of his own designated agent who had held two full days of public hearings on the issue, Mayor Barry initialed an order on June 8, 1989, not yet implemented, for the removal of the Ellington Bridge safety fences. The barriers were built less than four years ago at the Mayor's personal direction with the Federal Government providing 90% of the costs. The District's action in installing the barriers has been upheld in both Federal and D.C. courts to date, although an appeal has been argued but not decided in the D.C. Court of Appeals.

In a city like Washington which is plagued with the highest unnatural death rate in the nation and faces a large potential deficit, the decision by the Mayor is socially and financially irresponsible.

If allowed to stand, it will result in:

... the deaths and injuries from suicide, crime and accidents of dozens of men, women and children at the site in the years ahead; and

... direct costs to the District Government of approximately $520,000 and far higher future costs due to wrongful death and injury actions.

The Mayor has given priority to the esthetic concerns of some neighborhood groups over the safety requirements of all Washington residents, particularly the most vulnerable -- the despairing, the emotionally and mentally disturbed, teenagers, the elderly, and the homeless.

There are six principal reasons why the decision should be reconsidered and reversed, for which we seek the support of the Subcommittees.

1. Suicides. The Ellington Bridge, the City's highest, has been known for decades as the most notorious suicide site in the area. In the period from 1979 to January 29, 1986 when the safety fences were completed, there were twenty-five deaths there - more than half of those recorded from all of the 230 bridges in the District. The fences constructed by the Mayor's own Administration have been an effective deterrent. In the three and a half years since their completion there has been only one suicide at the bridge, as compared to twelve in the same length period before their completion. As of this month three full years have passed without a single death at the bridge, although they used to average about four each year.

Psychiatrists know of several persons living today who went to the Bridge with suicidal intent but were deterred by the fences and subsequently obtained needed medical help. The fences enabled the rescue of several others by police and passerbys. Any one familiar with the lethal history of the bridge knows that suicides there will resume if the fences are removed.

2. Crime and Accidents. The fences have also deterred deaths and personal injuries from crime, accidents, and vandalism on and under the Bridge. There is sworn testimony that before the fences were completed a young women had been thrown to her death from the bridge. Another had been held over the edge and threatened with being dropped to her death unless she submitted to sexual demands. Bridge pedestrians had been robbed under threat of being thrown over the side. Others were afraid to walk across the span because of such fears. A Jesuit priest driving through Rock Creek Park below the bridge, where 20,000 cars pass each day, narrowly avoided death from a falling body. School children had been seen playing on the original low, 3'8" bridge railings. The fences ended all such dangers. Without the barriers they would be bound to recur.

3. Costs to Taxpayers. Financially, the District would have to incur direct costs of approximately $500,000 to remove the fences and to construct a specially designed six inch handrail with curved metal spikes on the original low railings as required in the Mayor's order. (Such an impediment could obviously be stepped over or thrown over with ease.) More specifically, the D.C. Government would have to spend $192,000 to repay the Federal Government for its 80% share of the initial construction costs and to pay for the labor costs of fence removal. In addition it would have to expend up to $200,000 to design and contract for the fabrication and emplacement of the proposed special 6" handrails with curved metal spikes and to under-take preparatory stone work and additional sums to install proposed hotlines. Dwarfing all such costs would be the awards in future wrongful death and injury actions against the City by surviving dependents and others who suffer loss from persons who die or are injured at the site. Such awards would have to be anticipated based on the strong statements during the last four years by the Mayor, his special agent for this issue and key transportation, health, police and legal aides about the public safety necessity for the fences and their effectiveness to date.

4. Hotlines. Installation on the bridge of direct Hotlines to a crisis center, as also ordered, would not be an adequate substitute for fences in deterring suicides. Hotlines installed at notorious suicide sites elsewhere have brought help to some, but have not significantly reduced the prevailing suicide rate. Such hotlines are not always in operation when needed and cannot help non-English speaking persons. And obviously, they would have no impact in deterring crime or accidents.

5. Alternative Solutions. There are possible compromise solutions that would meet both public safety and esthetic concerns. The least expensive might be to repaint the present fences to blend better with the natural background view. A more esthetic alternative solution that would be costly but less so than carrying out the Mayor's order was presented to him but not even considered in making his decision. It involves constructing clear, transparent, unbreakable acrylic panel barriers supported by thin columns spaced two to three yards apart. The panels, made by GE, are used by national bridge and highway systems in Europe. Pictures and specifications

have been given to the Department of Transportation. But the experience in several other American and foreign cities indicates that only high barriers can prevent or deter deaths at notorious public sites like the Ellington Bridge.

6. Procedural Errors. In reaching his decision, Mayor Barry used flawed procedures. (a) He overrode the uniform advice of his own public health, transportation, police and legal authorities who favored retaining the present public safety fences which had been built by his own Administration. (b) The aide whom he assigned to bring the matter to decision was the same person he had assigned earlier to bolster his political support in the neighborhoods adjacent to the bridge, and she arranged a private meeting with the Mayor for fence opponents only both before and after a town meeting on the subject in April. (c) No records were kept of the allegations made at these gatherings which would enable proper review and correction of any errors. (d) Repeated written and phone requests for meetings with the Mayor by those favoring retention of the fences to present their rebuttals were ignored. (e) The Mayor indicated no awareness of the dozens of mental health, suicide prevention, youth and church group organizations and hundreds of persons who are on record in support of the fences. (e) The unannounced order by the Mayor to take down the fences contains no statement of reasons, so those opposing the decision are placed at a serious disadvantage in seeking redress.

....

When public safety requirements of suicide, crime, and accident prevention must be balanced against esthetic, architectural, and historic preservation considerations, as in this case, a compassionate community and those responsible for providing leadership should not find it difficult to give clear priority to safeguarding the lives of its citizens.

On behalf of the community service agencies on the Committee Public Safety at the Ellington Bridge, I urge the Subcommittees to ask Mayor Barry to reconsider and withdraw his unwarranted and financially wasteful order to remove the public safety fences, which have effectively deterred deaths and injuries at the site.

If the Mayor proceeds to implement his June 8 order to remove the federally financed safety fences which he ordered to be installed, we urge the Subcommittees to direct that no appropriated funds be expended for such purpose, unless it is to replace the existing fences with equally or more effective and esthetic tall barriers.

July 1989

STATISTICS OF PUBLIC RECORD ON D.C. SUICIDES AT THE DUKE ELLINGTON MEMORIAL BRIDGE AND CITY-WIDE

1. Suicides at the Duke Ellington Memorial Bridge Before and After Public Safety Fences Completed on Jan. 28, 1986: A 12:1 Reduction

A. 42 Months Before Fences Completed (11/28/82-1/28/86)
(MX refers to Medical Examiner case number)

1.	4/26/84	(MX 314)	
2.	6/8/84	(MX 428)	
3.	6/17/84	(MX 461)	M
4.	10/24/84	(MX 830)	WF
5.	11/21/84	(MX 903)	WF
6.	1/10/85	(MX 044)	BF28
7.	1/26/85	(MX 060)	WM25
8.	2/28/85	(MX 197)	WM29
9.	11/28/85	(MX1008)	WM36
10.	12/6/85	(MX1029)	WM38
11.	12/7/85	(MX1033)	BF26
12.	1/17/86	(MX 054)	WM30

B. 42 Months After Fences Completed (1/28/86 to date)

1.	7/28/86	(MX 669)	BM36

Source: D.C. Medical Examiner
Note: For the first time on record, three years have now passed without an Ellington Bridge death.

2. Suicides from the Ellington and Taft Bridges (1/1/79 to date)

	Ellington	Taft	
1979	7	2	
1980	4	6	
1981	1	0	
1982	1	3	
1983	0	0	
1984	5	0	
1985	6	1	
1986	2*	3	(* one before and one after fences)
1987	0	1	
1988	0	2	
1989-4/10	0		
Totals	26	18	

Source: D.C. Medical Examiner
Note: Judge Wertheim's 3/27/866 opinion iin Butler vs D.C. DPW, Civil Action No 0084-86, stated, e.g.:

> "During the period 1979 through 1986 there were a total of 24 suicides from the (Ellington) Bridge, representing more than half of all suicides from the approximately 330 bridges in the District of Columbia...".

3. Total D.C. Suicides: By Age, Sex, Race, and Jumping Deaths and Comparisons with Other Methods of Suicide: 1973-1988

	Total	-----Race------	--Sex--	Jumping	Rank cf. Other Methods
1973	100	37B 71W	61M 29F	25	#3 (23.1%)
1974	103	43B 60W	71M 32F	17	#2 (16.5%)
1975	100	49B 51W	74M 26F	13	#4 (13.0%)
1976	104	43B 61W	66M 38F	14	#3 (13.5%)
1977	80	25B 55W	52M 28F	15	#4 (18.8%)
1978	85	41B 44W	57M 28F	14	#2 (16.6%)
1979	81	37B 44W	60M 21F	21	#1 (25.9%)
1980	75	24B 51W 1 Other	53M 22F	15	#2 (20.0%)
1981	61	26B 33W 2 Other	43M 18F	8	#4 (13.1%)
1982	90	39B 51W	67M 23F	8	n.a.(08.9%)
1983	86	44B 42W	63M 23F	9	n.a.(10.5%)
1984	75	34B 40W 1 Other	53M 22F	8	n.a.(10.6%)
1985	67	29B 36W 2 Other	48M 17F	11	n.a.(16.4%)
1986	111	63B 44W 1 Other	75M 35F	22	n.a.(19.8%)
1987	77	38B 34W 5 Other	59M 18F	13	#3 (18.2%)
1988	59	30B 27W 2 Other	50M 9F	6	#3 (10.2%)

Source: D.C. Medical Examiner

4. Height of Ellington and Taft Bridges compared to Other DC Bridges

The Ellington and Taft Bridges are both 135 feet high at the highest point over Rock Creek Park. The next highest D.C. bridges are the Key Bridge at 72 feet and Chain Bridge at 42 feet -- 53% and 31% as high as the two Park Bridges respectively -- and both are over water where survival is possible.

Source: D.C.Department of Public Works

5. Total Suicides in the District of Columbia (1936-1988)

1936	123	1951	103	1966	82	1980	75
1937	n.a.	1952	74	1967	98	1981	61
1938	n.a.	1953	91	1968	71	1982	90
1939	193 *	1954	70	1969	65	1983	86
1940	83	1955	90	1970	70	1984	75
1941	128	1956	110	1971	81	1985	67
1942	110	1957	93	1972	104	1986	111
1943	81	1958	126	1973	108	1987	77
1944	132	1960	81	1974	103	1988	59 *
1945	132	1961	89	1975	100		
1946	157	1962	101	1976	104		
1948	97	1963	98	1977	80		
1949	104	1964	109	1978	85		
1950	107	1965	83	1979	81		

Sources: Coroner's records in annual reports of D.C. Commissioners for 1936-71; D.C. Medical Examiner's records since 1972

Notes: This data indicates that suicides averaged 97 annually from 1936-88; 87 annually from 1964-88.

Asteriks indicate high (1939) and low (1988) years.

In each year since such statistics were kept (1972), suicides of persons in their twenties predominated over suicides of persons in other decade age groups.

5. Comparison of D.C. and National Suicide Rates

National. In 1986, the last year for which national statistics are available until August 1989, there were 30,984 suicides in the U.S. -- far more than the average toll from homicide, AIDS or drugs. The rate of suicide is 12.8 per 100,000 or an average of 85 persons, including 14 teenagers each day. Teenage suicide has tripled since 1960. Suicide is the third leading cause of death among persons between 15 and 24 years of age. The rate of suicide for black persons nationally was 6.5/100,000 (11.1 for men and 2.3 for women). This rate, while less than the national rate, is growing faster than for any other racial or ethnic group. Sources: National Center for Health Statistics (436-8500) and Census Bureau (783-2607)

District of Columbia. From 1986 through 1988 there were 247 suicides in the District of Columbia in a population estimated to total 624,000. This is an average rate of suicide for the three years of 13.2/100,000 -- 3 percent higher than the national rate. Suicides by black men and women, which constituted 35 percent of all D.C. suicides as recently as 1980, averaged 53 percent of all suicides for 1986-88. This is a rate (10/100,000) which is 54 percent higher than the national average for black persons. Sources: D.C. Medical Examiner and U.S. Census Bureau

Statements and Actions by D.C.Government Officials about public safety requirements for fences on Duke Ellington Memorial (Calvert Street) Bridge

Mayor Barry

Approves decision of Department of Public Works announced on April 29, 1985 to construct public safety fences on bridge.

(Construction of fences begins on 8/19/85)

Mayor Barry visits the bridge and tells Anne K. Read that "Something has to be done to prevent further tragedies."

(Three suicides occur at bridge on 11/27, 12/5 and 12/7)

On Dec. 18, 1985, Mayor Barry decides to order continuation and completion of safety fences on bridge and tells reporter that "Life is more important than esthetics." -- Wash.Post 12-19/85

Work continuation order issued on Dec. 26, 1985 stipulates that barriers are to be put in place on a trial basis with their effectiveness to be reviewed after one year.

"This decision (to retain or to remove the fences) involves life and death matters." - Mayor Barry at Town Meeting, 4/10/89

Mayor Barry, telling his aides that it is a "lose-lose proposition," initials an order on June 8, 1989, without stating his reasons for doing so.

Mayor's Agent, Diane L. Herndon, Esq., held two days of public hearings on July 10 and 14, 1987, as required by a DC Superior Court ruling, to determine if the Department of Public Works should be issued a permit to retain as necessary in the public interest as required by a ruling of the DC Superior Court. Based on the record in the case (see 600 page transcript and multiple exhibits), the Mayor's Agent filed an eleven-page opinion and order on August 20, 1987, allowing the permit for the fences in the case (DC Department of Public Works, Applicant v ANC 1-C and 3-C, et al and the D.C.Preservation League, HPA No. 87-377), in which she stated as follows:
Preservation League, which stated, e.g

> "Uncontroverted evidence shows that prior to the construction of the safety barriers on the Ellington Bridge, the bridge was the most frequent bridge suicide site in the District with 24 cases reported between 1979 and 1986." ...
>
> ...
>
> "(During the sixteen months) since January 28, 1986, when the suicide prevention railings were completed, only one suicide has occurred from the bridge. During the sixteen months before the barriers were constructed there were nine suicides."

...

> "While the primary focus has been on the effectiveness of the barriers as a suicide deterrent at the Ellington Bridge, I find that the facts illustrate that there are other significant public safety issues in the case. One witness testified that an apparent suicide victim fell into the path of his motor vehicle, endangering his life as well as the lives of other passing motorists. (T,.175). Another witness testified that her daughter;s death from the Ellington Bridge was not a suicide but rather a homicide. (T.270). Additionally, testimony was introduced to show that debris thrown from the bridge could result in substantial harm to users of the Rock Creek Parkway below the bridge."
>
> ...
>
> "I conclude that: (1) the barriers have significant benefits because they deter or reduce suicides and otherwise improve public safety on and under the Ellington Bridge; (2) the special merit of the barriers outweights any infringement upon the architectural integrity of the Ellington Bridge; and (3) there are no reasonable alternatives to the safety barriers."

Department of Public Works (DPW)

"The extraordinary history of suicides from this bridge makes installation of a fence imperative. An average of over four death a year occur at this site." - Letter from John E. Touchstone, Director, DPW, to D.C. Residents who had written pro and con fence construction, April 29. 1985.

"We feel that the data clearly indicates that the barriers are an effective public safety device... . The preponderance of evidence available to us indicates barriers are an effective (suicide) prevention technique... . These barriers help provide other safety features such as decreasing the occurrence of accidental falls or property damage caused by objects being thrown from the bridge." John E. Touchstone, Director, DPW, Letters to ANC 1-C and ANC 3-C, July, 31, 1987.

"As you may be aware, there were six suicides at this location in 1985. Mayor Barry has directed this Department to take immediate steps to end these tragic steps. Consequently, we have notified the contractor to resume the originally planned work (on the fences). - C. Bernard Gilpen, Administrator, DPW Office of Policy and Planning, letter to Pamela Harriman, Jan. 15, 1986.

"I feel that as a prudent public servant charged with providing a safe environment on our city streets and bridges, the choice between esthetics and public safety and the potential or the opportunity of saving lives and preventing suicides is an obvious choice, easily made." Wallace Cohen, Acting Administrator, DPW, testifying in favor of fence retention at the public hearing before Mayor's Agent, July 10, 1987. (Transcript, p. 141)

Metropolitan Police Department

Capt. Rodney A. Murray, Acting C.O. for Roland W. Perry, Dep. Chief Commander, 2nd District, letter to C. Bernard Gilpen, D.P.W. dated 7/29/85: "I am in agreement with the proposal to install the safety fences. This expanded means of safety will provide additional protection needed and reduce the number of suicides and suicide attempts which have been a source of consternation in the area of the bridge." (Exhibit 10)

Lt. Calvin J. Wilson, police spokesman for the Second District, told the Washington Post on Dec 17, 1985, that the police are in favor of a fence or anything that will save lives. District officers have stopped numerous persons from jumping off the bridge and picked up many bodies under the bridge. Wilson personally had dissuaded two or three would-be suicides. - Washington Post, 12/18/85

In testifying in favor of retention of the fences before the Mayor's Agent on July 10, 1987, Lt. Wilson stated: "We're not picking up as many bodies at the bottom of the bridge as we formerly did. ... In my opinion they (the fences) are effective." (Transcript, pp. 98,99)

D.C. Department of Human Services (DHS)

Dr. Robert Kiesling, psychiatrist, Director of the Emergency Psychiatric Response Division of DHS:

> "The Department of Human Services is in support of the Ellington Bridge barriers for the following reasons: Since the implementation of the barriers, only one suicide has occurred at the Bridge. In 1984 and 1985 there were eleven suicides from the same site. Data from other jurisdictions support the effectiveness of such barriers on bridges."
> - Mayor's Agent hearing, 7/10/87 (transcript, p. 23)

D.C. Corporation Counsel

Frederick D. Cooke, D.C. Corporation Counsel: "A review of the record shows that the (Mayor's) agent's finding that the barriers provide significant public safety benefits was supported by substantial evidence and must thus be upheld by the Court... The Agent's finding the at the barriers served the overridign value of public safety was supported by substantial evidence." Brief filed by Corporation Counsel in D.C. Court of Appeals, pp. 11,12 (Appeal No. 87-1052)

Corporation Counsel Post Hearing Brief, pp. 4,5, Aug. 3, 1987:

> "If the barriers were removed, the District would incur an estimated cost of $192,000. This figure includes the cost of removal and reimbursement to the Federal Highway Administration of its 80% contribution to the installment of the barriers. (Memo from Gary Burch to John Touchstone dated July 27, 1987)"

> "The safety condition at the Duke Ellington Bridge has demonstrably improved. Suicidal persons who are morbidly allured to this suicide landmark are deterred from jumping off the bridge. The barriers also protect the safety of pedestrians, motorists and bicyclists below the bridge by preventing people from jumping into their paths. Additionally, the the barriers deter people from throwing large objects over the bridge, provide protection against accidental falls, and prevent people from intentionally pushing someone off the bridge. Clearly the barriers produce significant benefits to the District of Columbia and the community by creating safer conditions at the Duke Ellington Bridge."
> (Exhibit 81, CA 87-1052)

Other

Daniel J. Hanson, Vice Chairman of the Mayor's Advisory Committee on Traffic Safety (Pres, American Road & Transporatation Builders Assn and former Dep Dir. of District's DPW predeccsor agency) submitted a statement dated July 10, 1987, for the record of the Mayor's Agent hearing in favor of retention of the Ellington bridge fences, which stated in part as follows:

> " These safety fences offer a number of positive improvementsto the 'Duke' Ellington Bridge.
> 1. Pedestrian safety has been greatly enhanced on both the north and south sidewalks across the bridge.
> 2. Bicyclists who use the bridge have been provided an additional factor of safety.
> 3. A motorist who may be traveling at a high rate of speed across the bridge is protected from rudnning off the roadway, crashing into the old low level guardrail and landing in Rock Creek Park.
> 4. Obviously pedestrians are now prohibited from falling or jumping off the 'Duke' Ellington Memorial Bridge." (Exh.19)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

APPLICANT,)
)
District of Columbia)
Department of Public Works,)
)
IN OPPOSITION,) HPA No. 87-377
)
Advisory Neighborhood)
Commissions 1-C and 3-C, *et al.*,)
)
AND)
)
D.C. Preservation League)

OPINION AND ORDER

INTRODUCTION

This matter came before the Mayor's Agent for D.C. Law 2-144, the Historic Landmark and Historic District Protection Act of 1978, codified at D.C. Code §5-1001 *et seq.* ["the Act"] on an application for a building permit to retain safety barriers on the Duke Ellington Memorial Bridge ("Ellington Bridge"), an individually designated historic landmark located at Calvert Street, Northwest, between Woodley Place and Biltmore Street, Northwest. The application was submitted by, the District of Columbia Department of Public Works ("the Applicant" or "DPW"). Advisory Neighborhood Commissions ("ANCs") 1-C and 3-C, the Kalorama Citizens Association, Woodley Park Community Association, Harold Smith, Philip Mendelson, Josephine Butler, George Frain and William Rogers ("the ANC Opposition") jointly filed a request to participate as a party in the proceeding in accordance with Rule 3.4 of the Rules of Procedures governing Mayor's Agent hearings.

The D.C. Preservation League, ("the League Opposition") filed a request for an extension of time to file for party status herein and was permitted to participate as a party to the proceeding. Testimony was received on this matter during public hearings held on July 10, 1987 and continued July 14, 1987.

On May 20, 1987, the permit application was reviewed by the Historic Preservation Review Board ("HPRB") pursuant to the Act, and HPRB recommended against granting the permit on its determination that the safety barriers were not compatible with the architecture of the Ellington Bridge. (Exhibit No. [illegible]

The Commission of Fine Arts ("CFA") reviewed the permit application pursuant to the Old Georgetown Act, D.C. Code §5-801 et seq., and transmitted a recommendation against granting the permit, dated June [illegible], 1987 to the Mayor's Agent. (Exhibit No. 4).

This matter has also been litigated in both federal court and a court of the District of Columbia. On August 17, 1985, various historic preservationist and community organizations filed suit in the United States District Court for the District of Columbia, seeking to enjoin further work on the bridge and to require the Federal Highway Administration ("FHWA") to evaluate alternatives to and the environmental consequences of the barriers. National Trust for Historic Preservation v. Elizabeth Dole, et al., ("Dole"), C.A. No. 85-2749. The District Court found that FHWA was not statutorily bound to conduct such evaluations and granted summary judgment accordingly. The United States Court of Appeals affirmed the lower court decision on June 2, 1987.

On January 3, 1986, a complaint was filed in Superior Court of the District of Columbia for preliminary and permanent injunction, seeking to restrain the defendants DPW and Mayor Marion Barry, Jr. from continuing construction of "suicide barriers" on the Ellington Bridge. Butler, et al. v. District of Columbia Department of Public Works, et al., March [illegible], 198[illegible], C.A. No. 0084-86. The case was heard by Judge Ronald Wertheim who granted plaintiffs' Cross Motion for Summary Judgment except insofar as it was necessary to hear evidence to resolve questions of defendant's administrative practice in applying the D.C. Building Code to bridges and on issues of irreparable harm and the public interest affecting the potential relief to be granted.

With respect to these issues, the Court found that defendants DPW and Mayor Barry did not follow applicable law in that they: 1) failed to adhere to the procedures set forth in D.C. Law 1-21, D.C. Code §1-251 et seq., ("the ANC Act") which established the Advisory Neighborhood Commissions, by not providing the affected ANCs with sufficient notice of the safety barrier project and by not according "great weight" to the issues and concerns raised by the ANCs as required by the ANC Act; and 2) failed to adhere to the procedures mandated by the Act by not filing a permit application for the barrier proposal with the Department of Consumer and Regulatory Affairs ("DCRA"). Consequently, there was no review of the barrier proposal by HPRB and no recommendations by HPRB forwarded to the Mayor. Furthermore, there was no public hearing on special merit held by the Mayor.

The Court ordered DPW to file with DCRA an application for a building permit to retain the barriers. DCRA was to refer the permit application promptly to the HPRB for a recommendation to the Mayor's Agent who was directed to make a finding within 120 days after receipt by the HPRB of the referral from DCRA as to whether retention of the barriers is necessary in the public interest.

The Applicant filed the application permit with DCRA in accordance with the court order and pursuant to Section 5 of the Act. DCRA referred the permit to HPRB and HPRB, as stated earlier, recommended against granting the permit. The matter was then referred to the Mayor's Agent for an evidentiary hearing. The Applicant contends that the alteration of the Ellington Bridge to retention of the safety barriers is necessary in the public interest because it constitutes a project of special merit. The claim of special merit is based upon the Applicant's argument that the barriers have both reduced the incidence of suicide at the bridge site and improved overall public safety at the site, and that these public safety objectives are of significant benefit to the District of Columbia and the community. The Applicant contends that the public need for the barriers outweighs any infringement upon the architectural integrity of the bridge.

The Opposition (The ANC Opposition and the League Opposition) argues that: 1) the architectural integrity of the bridge has been significantly violated by the construction of the barriers; 2) [illegible] site-specific barriers on bridges are ineffective as suicide deterrents; 3) most acts of suicide are premeditated and not impulsive acts, therefore barriers merely redirect determined suicide attempters to other places to commit the act of suicide; 4) the statistics are not compelling that the barriers have reduced suicide at the site; 5) moreover, the incidence of suicide citywide has increased, as has the number of bridges being used; 6) funds used for the construction of the barriers would be more effectively spent if used in developing comprehensive suicide prevention programs; 7) the Applicant's concern at the time of construction of the barriers was suicide prevention and not overall public safety; and 8) the Applicant proceeded to erect the barriers without consultation with mental health professionals and without consideration of other reasonable alternatives more effective in suicide deterrence.

In accordance with the provisions of the Act and [illegible], timely notice having been given to the ANCs [illegible] and [illegible] and great weight given to the issues and concerns raised by the ANCs, the Mayor's Agent makes these Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Ellington Bridge is an historic landmark, having been listed in the District of Columbia Inventory of Historic Sites since 1973. The bridge was completed in 1935 and is a major design by Paul Philippe Cret, one of the nation's foremost architectural experts of the classical school, in association with the engineering firm of Modjeski, Masters & Chase. Dr. Elizabeth Grossman, expert witness for the ANC Opposition, testified as to the architectural significance of the bridge as a reflection of Cret's devotion to proving that classicism was still a viable language applicable to modern structural framing. (T. [illegible]).

Cret saw two possibilities in bridge design: one expressing a structural tension as demonstrated by the Klingle Valley Bridge; the other expressing "that [illegible] feeling of [illegible] and [illegible] repose" as demonstrated by the Ellington Bridge. (T. [illegible]). The [illegible] of the bridge as a public space was presented as another important concept of Cret's work.

Dr. Grossman presented testimony that the metal barriers not only destroy the long stable lines of Cret's design, but also confuse the difference between the Ellington Bridge and the Klingle Valley Bridge. (T. [illegible]). The barriers were alleged to destroy the sense of public space that Cret wanted the bridge to accentuate. (T. [illegible]).

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

falling, or being thrown from the bridge, or from throwing objects over the bridge onto and into the paths of vehicles and pedestrians below the bridge. (T. 134-135, 162, 344). Mr. Cohen testified that twenty thousand vehicles use the roadway under the bridge daily, and there is also considerable public activity on both the bike path and parkland beneath the bridge. (T. 141). Exceptions to this general policy are low bridges, bridges that are not over roadways, or bridges with little or no pedestrian traffic on the bridge. There are currently over 40 bridges in the city with safety barriers.

The ANC Opposition offered testimony to show that suicide prevention was the only consideration for the erection of the barriers. The Opposition contends that the barriers were constructed primarily at the urging of Mr. Benjamin Read, whose daughter leaped to her death from the bridge as a suicide, as opposed to being part of a consistent policy on public safety with regard to bridges. The ANC Opposition noted that eight foot safety barriers (as erected on the Ellington Bridge) were not erected on either the Klingle Road Bridge nor the Key Bridge. Mr. Cohen testified that each bridge has to be dealt with on an individual basis. (T. 352). Five-foot railings were erected on the historic Key Bridge after consultation with HPRB. Mr. Cohen testified before HPRB that those railings represented an effective compromise between aesthetic and safety concerns. (Exhibit No. 3).

6. In 1984, the Advisory Council on Historic Preservation ("Advisory Council"), the State Historic Preservation Officer ("SHPO"), the FHWA and DPW executed a Memorandum of Agreement in which it was agreed that there was no alternative to the safety barriers in protecting the public, notwithstanding the effect of the barriers on the architectural and historical character of the bridge. (Exhibit No. 2).

7. The CFA made recommendations on the barrier design in a letter, dated April 23, 1984 suggesting that in order to minimize the impact of the barriers on the architectural and historical character of the bridge: 1) the proposed ornamental features at the top of the pickets be removed; 2) the thickness of the pickets be minimized; 3) the spacing between the pickets be maximized; and 4) the fence be painted a neutral gray. I find that the Applicant incorporated all of these suggestions into the design of the barriers and in addition, lowered the proposed height of the barriers. (T. 348). The CFA concluded that the design of the proposed barriers "at least shows an approach sympathetic to the original bridge design". (T. 351; letter of CFA, dated April 23, 1984, Applicants Post-hearing Exhibit). There was evidence presented by the ANC Opposition which suggested that neither the Advisory Council nor the CFA were aware of revisions to the original plans submitted and upon which the Memorandum of Agreement was based. I find that the evidence suggests that the changes made by the Applicant merely incorporated recommendations of the CFA and sought to achieve greater compatibility of the proposed structure with the existing architecture. (T. 348).

8. I find that sufficient evidence was presented by the Applicant to illustrate that prior to barrier construction and during the preliminary design phase, DPW considered a number of alternative safety measures

including other types of fencing systems, for example: 1) standard chain link fencing; 2) plexiglass panels; 3) a specially designed fine wire system; and 4) nets. (T. 346-348). Furthermore, evidence submitted by the ANC Opposition clearly showed that DPW also considered non-structural alternatives like increased police patrols on the bridge. (Burch deposition in Dole, 29-30).

I find that the alternatives were rejected for various reasons. The standard chain link fence was considered incompatible with the bridge architecture; plexiglass panels were potential maintenance problems; the fine wire system would require an elaborate support system incompatible with the bridge architecture and would also be a potential maintenance problem; nets would require a massive support system which would have to be appended to the outside of the bridge and would cause permanent damage to the bridge architecture. The nets would also accumulate debris and become maintenance problems. (T. 346-348).

The evidence suggests that the Applicant also rejected increased police patrols on the bridge as an effective suicide deterrent. The ANC Opposition referenced a letter dated August 9, 1984, from Wallace Cohen to Mr. Bowman of the Advisory Council in which Mr. Cohen indicated that regular police patrols were not considered successful in discouraging suicides on the Ellington Bridge. (T. 153). Testimony presented by the ANC Opposition seems consistent with this position. Judith Ittig for the ANC Opposition testified that she understood the neighborhood surrounding the bridge to be very well-policed with a lot of police officers crossing the bridge constantly because the headquarters for the two districts is not far away. (T. 567). The Opposition presented no evidence to refute Applicant's testimony on the feasibility of alternative methods examined.

9. Prior to the construction of the barriers DPW, in considering alternatives to the barriers, never consulted with any mental health experts. (T. 357-359). Subsequent to construction, the Applicant requested the Department of Human Services ("DHS") the primary mental health agency for the District, to study the problem of suicide prevention. A report entitled "The Suicide Prevention Project", dated February 4, 1987 was prepared by DHS ("DHS Report") and it concluded that safety barriers were effective in reducing leaping suicides at dangerous sites. The DHS Report summarized suicide statistics for the District and discussed the effectiveness of various types of suicide prevention methods.

The report indicates that from 1979 until the date of the report, the Ellington Bridge and the Taft Bridge accounted for 40 of the [illegible] bridge suicides reported by the D.C. Medical Examiner's Office. (Exhibit No. 7, DHS Report at 2). Since January 28, 1986, when the construction of the suicide prevention railings were completed, only one suicide has occurred from the bridge. During the sixteen months before the barriers were constructed there were nine suicides. During the sixteen months after the construction, there was one suicide. Between the end of that period and the close of the hearing in this case, there were no suicides. (T. 23, 311; DHS Report, D.C. Medical Examiner's statistics on bridge jumpers, Exhibit No. 7).

10. Dr. Robert Keisling, Director of the Emergency Psychiatric Response Division (EPRD) operated by DHS, testified for the Applicant that suicide statistics fluctuate from year to year and statistics must be studied over a sufficient period of time to draw accurate inferences to support the conclusion that barriers are effective for reducing suicides at the bridge. (T. 59, 60).

11. Protective barriers have significantly reduced the incidence of suicide at other popular sites across the nation: the Arroyo Seco Bridge, the Cape Cod Canal Bridge, the Empire State Building and the Seattle Space Needle. (T. 46-48, 323-326, DHS Report at 1). Mental health professionals testifying for the Applicant believe that the barriers have been effective in reducing suicides at the bridge site. (Exhibits 11, 12, 29). The Applicant introduced evidence that most suicides are the result of immediate, impulsive behavior often influenced by alcohol and drugs, and that most persons contemplating suicide are ambivalent about committing suicide up until the time of the act. (T. 25-27, 31, 65-69, 83-87, 233). Physical barriers, it is argued, would be effective therefore in deterring such individuals from committing the impulsive act of jumping off the bridge. Moreover, Dr. McKnew testifying for the ANC Opposition stated on cross-examination that a high enough barrier would stop suicides at the Ellington Bridge. (T. 391).

Witnesses for the ANC Opposition testified that site-specific barriers merely redirect those attempting suicides to other bridges or other methods of committing suicide. (T. 379-380, 537). The Opposition points to statistics which show that since the completion of the barriers in January 1986, there has been a citywide increase of total suicides, an increase in bridge suicides and an increase in the number of bridge sites from which suicides have occurred. (Exhibit No. 7). However, I find that the record does not support any nexus between the erection of the safety barriers and the increase of suicide citywide, the increase in bridge suicides, or the increase in the number of bridge sites used. Nor does the record support the theory that suicide attempters are merely redirected to other sites. (T. 48-49, 75, 79, 402-403, 535-536).

Dr. Donald McKnew advanced the theory for the ANC Opposition that a distinction can be drawn between those who attempt suicide (attempters) and those who complete suicide (completers). (T. 374-378). He testified that the suicide statistics generally represent completers who elude the mental health system. Completers engage in premeditated acts of suicide and are not deterred by a physical barrier. Attempters in contrast, are ambivalent, do not really want to die, but occasionally make mistakes and kill themselves. (T. 375). I find the evidence persuasive that safety barriers can be effective in reducing the incidence of suicide at specific sites.

12. The DHS Report examined the "dedicated lines" telephone system installed on the Mid-Hudson bridge in Poughkeepsie, New York. Suicides at the bridge averaged five per year before 1983. Physical barriers were not constructed because architectural and structural factors made it prohibitively expensive. The phones were connected to a 24-hour community mental health center emergency unit. A recent evaluation of

the effectiveness of the bridge phones conducted by the Dutchess County Department of Mental Hygiene found that while the incidence of suicide remained the same, the system did identify a number of individuals in need of psychiatric treatment. Dr. Kenneth M. Glatt, Commissioner for the Dutchess County Department of Mental Hygiene wrote, that the most effective prevention efforts are those which prevent access to sites where suicides are possible. He stated:

> Where such measures are not possible because of cost or architectural constraints, our experience indicates that the bridge phones are a viable alternative and are used by the would-be suicide who is often impulsive and usually ambivalent about dying up to the point of suicide. (Exhibit No. 7).

13. Alternatives to the safety barriers offered by the ANC Opposition included:

    1. a 24-hour daily hotline with suicide hotline phones on this and other bridges;
    2. increased emphasis on human intervention and person-to-person suicide prevention programs, for example: high school programs to deal with the growing rate of suicide among adolescents. (ANC 3C Resolution, Exhibit No. 60);
    3. a counselor trained in suicide prevention and stationed on the bridge full-time. (T. 221);
    4. installation of nets beside and below the bridges. (T. 488);
    5. posting of training (sic) police officers on the two bridges. (T. 488); and
    6. asking interested vendors to relocate to these two bridges, providing tax incentives for them and encouraging people to patronize them. (T. 488).

    The ANC Opposition offered no testimony on the technical feasibility or projected costs for any of their alternatives. The Opposition presented no less architecturally offensive barrier designs as alternatives.

14. Dr. Kiesling testified for the Applicant that the telephone counselors that operate the 24-hour telephone hotline operated by EPRD earn approximately $25,000 per year. He testified that it would not be cost-effective to place a counselor on the bridge full-time because you would be paying people to do nothing 95 percent of the time. (T. [illegible]).

CONCLUSIONS OF LAW

Pursuant to Section 6(f) of the Historic Landmark and Historic District Protection Act of 1978 ("the Act"), no permit may be issued unless the Mayor finds that issuance of the permit is necessary in the public interest or that a failure to issue a permit will result in unreasonable economic hardship.

Section 3(j) of the Act defines "necessary in the public interest" to mean "consistent with the purpose" of this Act as set forth in section 2(b) or "necessary to allow the construction of a project of special merit". "A project of special merit" means "a plan ... having significant benefits to the District of Columbia or to the community by virtue of exemplary architecture, specific features of land planning, or social or other benefits having a high priority for community services".

The Applicant has requested a permit to retain the barriers on the Ellington Bridge based on their contention that the barriers are a project of special merit with significant benefits to the District of Columbia and to the community by virtue of "social or other benefits having a high priority for community services". The Mayor's Agent is required to balance the competing interests of preserving the architectural integrity of an historic landmark against whatever "social or other benefits" of the safety barriers, if any, are substantiated by the evidence on record. Citizens Committee To Save Historic Rhodes Tavern v. Department of Housing and Community Development, [illegible] A.2d 710 (1981). Based on the testimony of Dr. Grossman and the recommendation of the HPRB, I find that the barriers are a significant compromise of the architectural and historical integrity of the bridge. The metal barriers blur the distinction Cret sought to create in contrasting bridge designs and diminish the sense of open space which was an integral element of that design.

Having established a significant intrusion upon the architectural integrity of the bridge, the Mayor's Agent is required to find substantial social benefits from the barriers to justify their retention. I conclude that deterrence of suicides and improving public safety on and under the Ellington Bridge, if demonstrated, would constitute a project of special merit. This is consistent with the Court's ruling in Butler, supra, that if the barriers are effective as suicide deterrents, a much stronger showing of infringement to the bridge's historic architectural qualities would be required to justify removing them than the record presented before that Court provided. Butler, supra, at 14.

The evidence is persuasive that the Applicant pursued a consistent policy of erecting safety barriers on bridges scheduled for rehabilitation and having a history of or a potential for public safety problems. There are currently over 40 bridges in the city with safety barriers. The Ellington Bridge was a bridge with a notorious public safety problem, primarily due to its popularity, as a suicide site. I find that the accessibility and attractiveness of this bridge as a suicide site were the reasons the Applicant expedited its consideration of the bridge for barriers. There were also other safety hazards which were considered by the Applicant, including:
1) the height of the bridge (135 feet) coupled with the relatively low safety railings prior to construction of the barriers (3'8"); and 2) the potential for injury to those below the bridge as a result of objects thrown or persons thrown or leaping off the bridge, which is a significant hazard in light of the heavy pedestrian and vehicular traffic on the Rock Creek Park roadway.

The Butler Court suggests that the experience during the period since the erection of the barriers can be used in assessing their effectiveness. (Butler, supra, at 14). The evidence shows that in the sixteen months [illegible] the barriers were erected in January 1986, there were nine suicides at the bridge, and in the nineteen months after the erection of the barriers, there has been only one suicide. Many different inferences from these statistics were drawn by witnesses. The evidence presented persuades me that jumping off a bridge to commit suicide is likely to be an ambivalent, impulsive act which could be deterred by a physical barrier. Deterring, delaying or interrupting the suicidal person from completing the act of suicide offers a chance to prevent that suicide. It also allows a greater period of time for personal intervention by mental health professionals.

The creation of the safety barriers must be viewed as only one component of the District suicide prevention program. The test of the effectiveness of the barriers is not whether the barriers reduce the incidence of suicide citywide. Clearly, there are too many other variables that contribute to the overall increase in the suicide rate. The real test of the effectiveness of the barriers is whether the barriers reduce the incidence of suicide at the bridge. Just as a citywide increase in automobile deaths does not justify the removal of a stop sign at a dangerous intersection, so an increase in suicide citywide does not justify removal of the safety barriers at the Ellington Bridge. That is not the appropriate test of the effectiveness of the barriers. I find that the reduction of the suicide rate from nine to one over a comparable period of time is evidence that the barriers have been effective as a deterrent to suicide at the Ellington Bridge. The statistics indicate a positive trend which should be viewed in light of the experiences of other jurisdictions, which have found barriers to be an effective suicide deterrent at popular suicide sites.

To establish that the retention of the barriers is necessary in the public interest, the Applicant also must demonstrate that there are no reasonable alternatives to the barriers. In Don't Tear It Down, Inc. v. Department of Housing and Community Development, 428 A.2d 369 (1981), the Court imposed a reasonableness limitation on the consideration of alternatives to the demolition of an historic landmark:

> Reasonableness must be imputed into the "necessary" standard, and at the hearing on each "special merit" permit, factors including but not limited to cost, delay, and technical feasibility become proper considerations for determining "necessary." * * * Each of these factors has bearing on whether there are viable alternatives to demolition available, and the answer to this question determines necessity. Id., at 380.

Moreover, the applicant is not charged with considering every option, but rather all reasonable alternatives. Id., at 379. I find that the Applicant has considered all reasonable alternatives to the barriers and rejected them as either technically infeasible, ineffective, prohibitive in cost, or aesthetically more damaging to the architecture of the bridge.

Based on the evidence of record, the Mayor's Agent finds that erection of the barriers is a project of special merit that must be balanced against the damage done to the architectural integrity of the bridge. I find that the Applicant, in designing the safety barriers, revised its design to minimize the impact on the historical and aesthetic value of the bridge. Furthermore, the Opposition failed to present an alternative barrier design less architecturally offensive. The present design represents a compromise between the legitimate public safety concerns of the Applicant and the architectural integrity of the bridge. I conclude that:

1) the barriers have significant benefits because they deter or reduce suicides and otherwise improve public safety on and under the Ellington Bridge;

2) the special merit of the barriers outweighs any infringement upon the architectural integrity of the Ellington Bridge; and

3) there are no reasonable alternatives to the safety barriers.

Therefore, the Mayor's Agent finds that issuance of the permit to retain the barriers is necessary in the public interest and that the permit should be issued as requested.

ORDER

Issue permit to retain the safety barriers. Application HPA No. 87-[illegible] is necessary in the public interest.

August 20, 1987
Date

Diane L. Herndon
Diane L. Herndon, Esquire
Mayor's Agent for D.C. Law 2-144

April 10, 1989

Partial List of Organizations and Persons supporting Retention of Public Safety Fences at the Duke Ellington Memorial Bridge

letter to Mayor/DPW(L); petition(P); witness(W) at 7/87 or 4/89 hearings; and other supporters

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ORGANIZATIONS (30)

Andromeda Hispano Mental Health Center, Dr. Ricardo Galbis, psychiatrist, 1823 18th Street, NW, DC (387-8926) (L)(W)

Boys and Girls Clubs of Greater Washington, Ed. Hudson, Dir., P.O. Box 39063, DC 20016 (271-1967) (L)

Child Welfare League of America (DC Chapter), Gordon Raley, Dir., 440 First St., NW, DC 20001 (638-2952) (L)

Children's Defense Fund, Marion Wright Edelman, Pres., 122 C St., NW, DC 20001 (628-8787) (L)

Christ House_for homeless, Dr. Allen Goetsheus, pres., 1717 Columbia Rd, NW (328-1100)) (W)

Columbia Road Health Services, Dr. Goetsheus, 1660 Columbia Rd., NW (W)

Community for Creative Non-Violence, Mitch Snyder, Dir. 1345 Euclid St., NW, DC 20009 (393-1909)

Community of Hope, Rev. Thomas Ness, Dir., 1417 Belmont St., NW, DC 20009 (232-9091) (L)

Compassionate Friends (nationwide survivor mutual support groups) D.C., N. Va., and Montgy County chapters (P)

Educational Organization for United Latin-Americans - senior center, Louisa Lopez, Dir., 1842 Calvert Street, NW, DC (L)

Goodwill Baptist Church, Rev. M.A.Carver, Columbia and Kalorama Roads, NW (483-7696) (L)8

House of Ruth, Sherri Cutrie, Exec. Dir., 561 Tenth St., NE, DC 20002 (842-0192) (P)

Information, Protection and Assistance Center for the Handicapped, Yetta Gallagher, Dir., 300 Eye St., NE, DC 20002 (547-8081) (L)

Maret School, Alex Clain-Stephanelli, Headmaster, 3000 Cathedral Avenue, NW, DC (483-5710) (L)

Martha's Table, Everett Crawford, Dir., 2124 14th St., NW (328-6608) (L)

Mental Health Association of D.C., Anita Shelton, Dir., 1628 16th St., NW, DC 20009 (265-6363) (L)

My Sister's Place (home for abused women), Michelle Hudson, Ex.Dir., P.O.29596, DC 20017 (529-5991) (L)

National Cathedral School, J. Gregory Morgan, Headmaster, Mt. Saint Alban, DC 20016 (537-6300) (L)

National Center for the Treatment of Phobias, Anxieties, & Depressions, Dr. Bernard Vittone, Dir, 1801 18th St, NW 20009 (L)

Psychiatric Institutes of Washington, Dr. Howard A. Hoffman, M.D. Pres/Med Director, 4460 MacArthur Blvd, NW, DC (944-3400) (L)

Richmond Fellowship Home for Adjudicated Delinquent Boys, Terry Calnek, Dir., 1620 T St., NW, DC (328-8261) (P,T)*

Richmond Fellowship Home for Abused, Neglected, Abandoned Boys, Ed. Brown, Dir., 1829 Kalorama Rd, NW, DC 20009 (P,W)

Samaritans of Washington (Suicide Prevention Hotline), Bonnie C. Winston, Pres., 4115 Wisc. Avenue, NW, DC 20016 (362-8858) (P,W)

Saint Francis Center, Father Wm. Wendt, Founder/Dir.& Susan Rosenbaurm, Pres.,5417 Sherrier Place, NW, DC 20016 (W,P,L)

Seasons, suicide survivor group for family members and friends from Washington metropolitan area, Bethesda, MD (P)

Sidwell Friends School, Earl G. Harrison, Jr., Headmaster, 3825 Wisc. Avenue, NW 20016 (L)

Suicide Survivors Suppot Group, Ruth I. Jenkins, Chair, 3514 Slade Run Drive, Falls Church, Va. 22042 (L)

Washington Psychological Center, Dr. Alan L. Berman, former Pres., Amer. Assn of Suicidology, 4201 Conn Ave, NW, DC 20008 (L)

Woodley House, (home for persons with emotional/mental problems), Edith Maeda, Dir. and Richard T. Ellis, Pres., 2711 Conn. Ave., NW, DC 20008 (265-1629) (P,L)*

Youth Suicide National Center, Charlotte Ross, Pres./Ex. Dir, 1825 I Street, NW, DC 20006 (429-0190) (L)

EXPERTS/PROFESSIONALS (17)

Dr. Jerry M. Wiener, Psychiatrist, Pres. national Academy of Child Psychiatry and Chairman, Dept of Psychiatry and Behavioral Sciences, GWU Hospital Medical Center, 2150 Penna. Ave., NW, DC 20037 (994-4081) (W)

Dr. James Egan, Psychiatrist, Chairman, Dept. of Psychiatry, Children's Hospital National Medical Center, 111 Mich. Ave., NW DC 20010 (745-5420)

Dr. Bernard S. Arons, M.D., National Institute of Mental Health, Adams Morgan neighbor, provided help to bridge fall survivor, 2827 27th Street, NW, DC 20008 (462-2055) (L)

Dr. Ricardo Galbis, psychiatrist, 1823 18th Street, NW, DC (L)(W)

Dr. Edwin S. Kessler, psychiatrist 5415 Conn. Avenue, NW, DC 20015 (362-6126) (L,P)

Dr. Robert Kiesling, Dir.,Emergency Psychiatric Unit, DC General, 1905 E. Street, SE, DC 20003 (W)

Dr. Seymour Perlin, Psychiatrist, GWU Hospital Medical Center, 2150 Pennsylvania Ave., NW, DC 20037 (994-3768)

Dr. R. Michael Sanders, Psychiatrist, GWU Head of Medical Education, 2150 Penna. Ave., NW, DC 20037 (994-3851) (W)

Dr. Jeffry Akman, Psychiatrist, 1936 Calvert Street, NW (483-6092) (L)

Dr. Irving Schneider, M.D., 35 Wisconsin Circle, Chevy Chase, Maryland (656-9689) (L)

Dr. Edward C. Kirby, M.D. and VP of Woodley House, 2711 Conn. Ave., NW, DC 20008 (265-1629)

Father Angelo D'Agostino, S.J., M.D.Psychiatrist, narrowly missed death or injury motoring through Park from body off Ellington Bridge, Jesuit Community, Georgetown Univ., NW, DC 20057 (W)

Rabbi Joseph P. Weinberg, Wash. Hebrew Congregation, 3935 Macomb St, NW, DC (362-7100) (W)

Rabbi Bruce Lustig, Wash. Hebrew Congregation 3935 Macomb St., (362-7100) (W)

Canon Charles Martin, National Cathedral: former Headmaster, St. Albans School, NW (537-6221) (W)

Rev. William Wendt, founder/director, St. Francis Center, 5417 Sherrier Place, NW, DC 20016 (363-8500) (W)(L)

Professor Daniel Leviton, Dir., Adults Health and Development Program, U. of Md. (specialist on suicidal behavior studies) (431-3733) (L)

OTHER WITNESSES (12 plus 8 listed above)

Yvonne W. Toler, 1336 Missouri Avenue, NW DC 20011 (291-0049). Mrs. Toler is the mother of Michelle Toler, 26, who was died when thrown over the Ellington Bridge by abductors 12/7/87 (W)

Viveca Stackig, 109 Apple Grove Rd., Silver Spring, MD (593-7528), sister of Steffan Flyger, 25, who committed suicide at Ellington Bridge

Robert Perez Robinson, 1673 Columbia Rd., Apt 103, NW, DC 20009, who was rescued during suicide attempt at Ellington Bridge after experiencing euphoria and urge to join his deceased grandmother while walking across Ellington Bridge.

Anne and Benjamin Read, 1739 Crestwood Drive, NW, DC 20011, parents of Anne L. Read, 24, who committed suicide at Ellington Bridge on Nov. 19, 1979. Mr. Read submitted memo on alternatives

Lynne Ketchum, c/o Woodley House, 2711 Conn. Ave., NW, DC, 20008 (W) - Letter from 1984suicide victim at bridge

Fred Wyatt, 17 (979-1629) Tallked friend out of jumping in 1985. Present at 7/10 hearing and Congressional testimony presented.

Ms. Pat Gaston, Kalorama Road, NW., held over side of bridge by man demanding sexual favors until rescued by police in '82 (W)

Michael Greenwood, 1420 Harvard St., NW., Apt. 404, veteran testified to past suicide attempt elsewhere and attraction of Ellington Bridge without fences for the suicidal.

Hilda R. Findley-Knier, 2704 Woodley Place, NW, DC 20008 (462-4855) testified to a young friend threatened by a street gang with being thrown from bridge and her own fear pre-fences.

Lt. Calvin J. Wilson, 2d District Police community relations officer, testified to suicide attempts at the bridge which he had stopped and collection of bodies below. (W)

Wallace Cohen, DPW, Dir. of Office of Policy and Planning, testified to District's bridge safety/repair program.(W)

Gary Burch, Dir. of DPW Engineering and Design Div. testified to consideration of alternative designs, initial approval with modification of historic, fine arts and ANC groups

OTHER SUPPORTERS OF FENCES (285)

Pat Abalway,
651 10th St., NE, DC 20002 (P)
Valerie D. Ackers
2635 16th St., NW, DC (P)
Christopher L. Adams
1238 Evarts St., NE, DC 20018 (P)
Ramon Ortiz Adams
1420 Harvard St., NW, Apt 206, DC 20009 (P)
Patrick and Trish Ahern (Oyster P.S. parents)
3128 19th Street, NW, DC (20010) 234-7708 (L)

Russell H. Alper
3640 Conn. Ave., NW, DC 20015
Timothy B.(atty) and Paula Atkeson(R.N.)
3141 Highland Place, NW, DC (429-6494) (L)
H.S. Arens
2827 27th St., NW, DC (P)
Melanie Baer
601 N.C. Ave., DC 20003 (P)
Peyepe L. Bakker,
1620 T St., NW, DC (P)
Jeff Baldwin
5325 Reno Rd., NW, DC (P)
Amb. and Mrs. Lucius D. Battle and daughter, Laura, friends of
Ellington Bridge suuicide victim
4856 Rockwood Pkwy, NW, DC (244-9109) (L)
Vivian M. Beatty
4522 15th St., NW, DC 20011 (P)
Dr. Marlyn Benoit, Psychiatrist, Childrens Hospital Nat'l Med.
Center, 111 Mich. Ave., NW, DC 20011 (P)
Helen Bergman
1512 Pa. Ave., SE, DC (P)
Edith Berman
6923 Raspberry Plain Rd., Springfield, VA (P)
Ovida Bilun, Ph.D.
4439 Greenwich Pkwy, NW, DC 20007 (P)
Mary M. Blake
2711 Conn. Ave, NW, DC 20008 (P)
Pauline Bourgeois
2720 Wisc. Ave., NW #301, DC (P)
Sandra Bollhoefer, surviving sister-in-law and patient of doctor,
who both died at bridge, Box 21, Rte 1, Strasbourg, VA 22657
Helen J. Bowser
2711 Conn Ave, NW, DC (P)
Betty Brinks,
651 10th St., NE, DC 20002 (P)
Rebecca Brown,
651 10th St, NE, DC 20002 (P)
Jeffrey Brooks,
1223 Fairmont St., NW, DC (P)
Paul P. Brown,
1829 Kalorama Rd., NW, DC (P)
Thomas and Constance Bruce, friends of Ellington Bridge suicide
victim, 1820 Ontario Rd., NW, DC 20009 (387-4686) (L)
Pat and Margaret Brond
2400 N. Nothingham St,, Arlington, Va.22207 (P)
Jeanne Buller
1637 Monroe St, NW, DC (P)
Jessie N. Bunn
4537 38th St, NW, DC (P)
Ernestine E. Callahan
1391 Sheridan St., NW, DC 20011 (P)
Lorenzo Callstang
1420 Harvard St., NW #101, DC
Julio A. Castillo
1620 T Street, NW, DC (P)

Janet Chianerne,
651 10th St, NE, DC 20002 (P)
Andrew Choate
1318 4th St., SW, DC (P)
Derrick J. Clark
1601 Argonne Place, NW, DC (P)
Celia Clevenger
3419 36th St., NW, DC 20016 (P)
Sharon West Coffey
115 C Street, SE, DC 20003 (P)
Gregory G. Coin,
1829 Kalorama Rd, NW, DC (P)
Susan Colbert
1789 Lanier Pl., NW #33, DC (P)
Robert L. Cole, Jr., psychiatric clinics executive, The Shoreham,
2501 Calvert Street, NW, DC (483-5936)
Jerry S. Cooper
1241 Kenyon St., NW, DC 20010 (P)
Catherine and Lawrence Couch
7 Brigggs Court, Silver Spring, MD 20906 (P)
Joyce B. Cox
3900 Watson Place, NW, DC 20016 (P)
Nancy Crabtree
1700 Kilbourne Place, NW, DC (P)
Jenny O. Craig
4346 Brandywine St., NW, DC 20016 (P)
Marianne Cunningham, Dir., Richmond Fellowship Half-Way House,
1620 T Street, NW (328--8261) (W)
William Daniels, Information Center for Handicapped Individuals,
605 G Street, NW, DC (347-4986) (L)
Anne and Harold Davis, surviving parents of suicide victim,
5843 Glen Forest Dr., Falls Church, VA 22041 (P)
Harriet A. Davis
2711 Conn. Ave., NW, DC (P)
Mailne Desmiril,
1512 Pa. Ave., SE. DC (P)
Guy Donatelli
54 T Street, NW, DC (P)
Verda M. Deutsche
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Louis B. (chemist) and Katherine F. Dodson
1752 Shepherd Street, NW, DC 20011 (L)
Annie Doggett,
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1757 Shepherd Street, NW, DC 20011 (L)
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P.O. Box 21612, Kalorama Station, NW, DC 20009
Richard Ell
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Sandra Evans Falcone
  3726 Conn. Ave, NW, DC (P)
Gordon Fells
  2219 California St., NW, DC 20008 (P)
Rosslyn Y. Few
  1421 Columbia Rd., NW, Apt 403, DC (P)
Virginia Fifgren
  8108 Vista Pt. Drive, Fairfax, VA (P)
Charlotte G. Filmore
  2702 Ontario Rd., NW, DC (P)
Thais Fisher, 13446 Lccksley Lane,
  Siver Spring, Md. 20904 (L)
Vagn and Beverly Flyger (surviving parents)
  109 Apple Grove Rd., Sil. Spring, MD
Gaye Forllson
  5701 43rd Ave, Hyattsville, Md (P)
J. Forichman,
  3724 18th St, NW, DC (P)
Amelia Francis,
  651 10th St., NE, DC 20002 (P)
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  1420 Harvard Street, NW #401, DC (P)
Ceci Galeota
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David (Atty) and Marianne Ginsburg,
  1250 Conn. Ave., NW, DC (637-9020) (L)
Jo Ella Gaener
  4200 Conn. Ave, NW, DC (P)
Karen Gasser
  2731 Conn. Ave, NW, DC (P)
Seiden Gelbert
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  1789 Lanier Pl., NW, DC 20009
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  651 10th St, NE, DC 20002 (P)
Margaret Graham
  1306 27th St., NW, DC 20007 (P)
Susan Greeley
  2801 Quebec St, NW #742, DC 20008 (P)
Caryn Groedel
  11 Vallingby Circle, Rockville, Md (P)
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  1763 Park Rd., NW, DC (P)
Anna Haig
  2711 Conn. Ave., NW, DC (P)
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Julie Huje,
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3038 N Street, NW, DC (338-8330) (L)
James and Regina Hazan
9109 Red Lion Tavern Ct, Springfield, VA 22153
Elizabeth G. Heck
2711 Conn. Ave., NW, DC 20008 (P)
Lynne E. Hereford, friend of victim,
2520 Woodley Rd, NW (L)
Bonnie Hill
2700 Wisc. Ave, NW, DC (P)
D. Peck (atty) and Elizabeth Hill
3500 Newark Street, NW, DC (L)
Elaine Hiruo
2700 Wisc. Ave., NW #312, DC (P)
Patricia F. Hook
9800 Georgia Ave, Apt 102, Silver Spring, MD 20902 (P)
P.B. Horvitz
4821 Linnean Ave., NW, DC 20008 (P)
Pauline Howard,
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4112 Arkansas Ave, NW, DC 20011 (P)
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1806 Calvert St., NW, DC (P)
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Thomas and Barbara Ingersoll
4838 Park Ave., Bethesda, Md 20817 (229-2897) (P)
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2529 N. Buchanan St., Arlington, Va. 22207 (P)
Ruth Jenkins, head of suicide survivor group, Fairfax Hospital,
Fairfax, VA (L)
Dale and Muriel Johnson
2701 Conn. Ave, NW #203, DC 20008 (P)
Karen Johnson
2711 Conn. Ave, NW, DC (P)
David P. Jones,
1829 Kalorama Rd., NW, DC (P)
Dee Jones
2731 Conn. Ave, NW, DC (P)
Kevin E. Jones
4 Logan Circle, NW, DC (P)
Linda Johnson, surviving mother,
2705 Harmon Road, Silver Spring, MD 20901 (P)
Loretta Kalifa, Richmond Fellowship House,
1829 Kalorrama Rd., NW
Deborah Billings Keller, friend of Ellington Bridge suicide victim,
1726 Park Rd, NW, DC (L)
Erasmus H. Kloman
3065 University Terrace, NW, DC 20016 (P)
Anne E. Koch, friend of Ellington Bridge suicide victim,
1718 P Street NW, DC (L)
Sharon M. Kuhn
1524 35th Street, NW, DC 20007 (P)

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  1736 Columbia Rd., NW #407, DC 20009 (P)
Jeremiah D. Lambert
  3218 Cleveland Ave, NW, DC 20008
K. Landy
  2211 Aquia Rd., Stafford, Va (P)
Robert W. Leisinger
  2711 Conn Ave., NW. DC (P)
Kathryn M. Lilly, Junior League of Wash. Health Council Dir.'86-7,
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Brenda Matheri
  1620 T St., NW, DC (P) \
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  2800 Quebec St., NW, DC 20008 (P)
Billy McLaughlin
  4112 32nd St., Mt. Ranier, Md. 20712 (P)
Dr.Tanner B. (M.D.) and Martha Ann McMahon
  1761 Shepherd St., NW, DC 20011 (L)
Jamie McNamara
  3722 12th St., NE, DC 20017 (P)
Harry McPherson, atty, chairman, Federal City Council, friend of
  two Ellington Bridge suicide victims, 1660 L Street, NW, DC
  20036 (775-1026) (L)
Coryne S. Melton, surviving mother of two suicide victims,
  13907 Vista Drive, Rockville, MD 20816 (P)
Don O. Mern
  3600 Conn. Ave., NW, DC (P)
Kenneth Y.(businessman) and Alva (teacher) Millian, friends of
  Ellington Bridge suicide victim, 3527 Winfield Lane, NW, DC
  20007 (342-9482) (L)
Angela Milligan
  651 10th St, NE, DC 20002 (P)
Mamie Mills
  2529 N. Buchanan St., Arlington, Va 22207 (P)
Lillie Mimes
  3322 14St St. NW, DC (P)
Carla J. Murphy
  2488 16th St., NW, DC, 20009 (P)
Teriz M. Murray
  1420 Harvard St., NW, Apt 206, DC 20009 (P)
Tom Murray, surviving friend of Ellington Bridge suicide victim,
  Dupont Circle area, NW, 667-5006
Cherryl A. Neill
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Sally C. Nevius
  2912 Garfield Terr., NW, DC 20008 (P)

Cora A. Norris
  1926 16th St., NW, DC 20009
John O'Toole, Pres., Eli Inc., radio/TV producer and member of
  18th and Columbia Rd. Business Assn., 1800 Belmont Road, NW, DC
  (332-7545) (L)
John D. Oates
  1620 T Street, NW, DC (P)
Linda Ohmans, mother of Oyster School elementary children,
  1835 Kilbourne Place, NW, DC 20010
Walthea Owens,
  651 10th St, NE, DC 20082 (P)
M/M Benjamin L. Palumbo
  1629 K St., NW, Ste 1100, DC 20006 (785-6705) (P)
Ardie Parker,
  1829 Kalorama Rd., NW, DC (P)
Denise A. Perry
  1829 Kalorama Rd., NW, DC (P)
Antoine Peterson,
  1829 Kalorama Rd., NW, DC (P)
John Phillips
  2711 Conn. Ave, NW, DC (P)
Ana Maria Pierce
  2971 Oakborough Sq., Oakton, Va 22124 (P)
Karen Pieto
  354 Girard St, Apt 501, DC 20001 (P)
Kenneth W. Pluman
  2711 Conn. Ave., NW, DC (P)
Marthali Powers
  651 10th St., NE, DC 20002 (P)
Thomas and Amarylis Price, surviving parents,
  Bowie MD (464-8449)
Hernando R. Priefs
  1620 T St., NW, DC (P)
Gordon Raley, Dir., Child Welfare League of America (DC Chapter),
  440 First Street, NW., DC 20001 (638-2952)
Lisa Reed,
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Robert Rhoads
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  1421 Columbia Rd., NW, Apt 403, DC 20009 (P)
Nadine Ricks
  1421 Columbia Rd., NW, DC (P)
Stanley Roberts
  4200 Varnum Place, NE, DC (P)
Robert P. Robinson
  1673 Columbia Rd., NW, DC (P)
Dearing E. Rogers,
  1829 Kalorama Rd., NW, DC (P)
Susan B. Rosenbaum, Pres., St. Francis Center,
  5417 Sherrier Place, NW, DC 20016 (P,L)
Archie Richardson, atty, friend of Ellington Bridge suicide
  victim, 1828 L Street, NW, DC (L)
Naomi D. Rothwell
  3506 Idaho Ave, NW, DC 20016

Drs. Albert and Marion Rosen, codirectors, Washington Therapy
Center, Ste 725, 2025 Eye St., NW, D.C. 20036 (863-2225) (L)
Harold Russell, Chairman, President's Committee on Employment of
the Handicapped, Wash. DC 20036 (L)
Van (publisher) and Eleanor Roosevelt Seagraves
1813 Shepherd Street, NW, DC 20011 (882-6855) (L)
Amy Schaffer
2765 Ordway St., NW, DC 20008 (P)
J. Schrenke
3327 Rittenhouse St., NW, DC (P)
Floyd Seegan
4212 8th St., NW, DC (P)
G. Shah,
651 10th ST., NE, DC 20002 (P)
Carol Simpson
4115 Wisconsin Avenue, NW, DC 20016 (P)
Sue A. Slater
2711 Conn. Ave, NW, DC 20008
Robert S. Smith
4200 Mass Ave., NW, DC 20016 (P)
Vanessa Smith
651 10th St., NE, DC 20002 (P)
Fern. J. Spencer
6617 River Trail Ct, Bethesda, Md. 20817 (P)
Hugh L. Spitzer
5230 Pooks Hill Rd., Bethesda, MD (P)
Lenny and Park Sprakut,
1155 15th St., NW, DC 20005 (P)
Eric Stevenson
2713 34th Pl., NW, DC (P)
Judith P. Stevenson
2713 34th Pl., NW, DC (P)
Jean and William T. Strahan, surviving parents,
220 University Blvd West, Silver Spring, MD 20901 (P)
Miro Lori Sutten
3000 Conn. Ave., NW, DC (P)
Felicity Swayne
1512 Penna Ave., SW, DC (P)
Phyllis Tayfor
1391 Sheridan St., NW, DC (P)
Virginia Theberge
4333 Westover Pl, NW, DC (P)
Debbie Triggs,
14641 Estate Rd, Woodbridge, VA 22039 (P)
Suzanne M. Troje,
235 F St., NE, DC (547-8165) (P)
Mohammad Uddin
1444 R.I. Ave, NW, DC 20005 (P)
Joan Ury, surviving mother,
6518 E. Halbert Road, Bethesda, MD 20017 (P)
Ted Van Dyk
Ste 300, 2550 M St., NW, DC 20037 (L)
Frederick R. Vest
1620 T St., NW, DC (P)

William Washington
  3211 Ontario Rd, NW #32, DC (P)
Lynn Sheeler Waterman, surviving friend of Ellington Bridge
  suicide victim, 2555 M Street, NW, DC (L)
Peter R. and Judith Humphreys Weitz,
  3130 19th Street, NW, DC 20010 (232-5503) (L)
Jane Weld,
  Westchester Apts., 4000 Cathedral Ave., NW, DC (L)
James (developer) and Andi Wheeler
  1523 26th Street, NW, DC (L)
Vicki Williams
  490 M Str., NW, DC 20024
Sandra V. Wilson
  1517 Benning Rd, NE #511, DC (P)
Carolyn R. Willid
  2112 N.H. Ave., NW, DC (P)
Matt and Linda Witt (Oyster PS parent)
  1835 Kilbourne Place, NW, DC (462-8925) (L)
Melvin L. Woolard
  P.O. Box 73561, NW, DC (P)
Deirdre Wright
  67 U St, NW, DC 20001 (P)
Eyvonnia Wright (surviving friend of Ellington Bridge suicide
  victim, 2252 Ontario Road, NW, DC (232-2764) (L)
Debra Young
  3001 Branch Ave, Temple Hills, Md 20748 (P)
Gracie L. Young
  4811 Minn. Ave., NE #102, DC (P)
Deborah Young, Richmond Fellowship Half-Way House,
  1829 Kalorama Rd, NW
John M. Young
  3100 S. Manchester St., Falls Church, Va 22044 (P)
John and Diana Zentay
  2721 31st St., NW, DC 20008 (P)

Pro-Fence Statements/Quotes on Record with District

(T refers to transcript of hearing before Mayor's Agent 7/87)
(Exh refers to exhibits of record in that hearing)

"I suffered a nervous condition. ... I was euphoric and wanted to join my deceased grandmother and had stopped taking my medica-tion and became suicidal. The bridge was the most convenient place to jump. I went so far that I was hanging by my fingertips along the rail. A pedestrian talked me out of it. I thank the good Lord that the barrier is up so no one else would think that that the Bridge is a convenient place to commit suicide. ... The Bridge seems like it calls out without the barriers there. I wouldn't even have considered it if the barriers was there at the time." Robert Perez Robinson, a veteran (T, pp. 303-304)

"I run a group home in Adams Morgan for boys who come to us from the courts and the Department of Human Services and are classified as abused and neglected. ... They are impulsive and could react without thinking of the consequences which in some cases could result in injury to themselves or some one else. ... The barriers give us that margin of safety that is needed not just for our boys but also for the rest of the community." Ed Brown, Director, Kalorama House (T, pp. 298-299)

"My group home is for delinquent teenagers ages 14 to 18. These adolescents have a poor self image and low self-esteem which leads to depression and even suicide. We favor the barriers." - Terry Calnek, Director, Richmond Fellowship house at 1820 T Street

"My house ... is one block from the west end of the Ellington Bridge, and I walk over it when I go to shop and restaurants at 18th and Columbia. A student friend of mine (was) terrorized on the bridge by a group of youth who threatened robbery and murder. ... I have had taxi drivers stop and call to me as I walked across the Bridge. Obviously, it has a reputation as a dangerous place. Now that the barriers are in place, I feel much more comfortable crossing it." - Hilda Findley-Knier, professor at U.D.C (T, pp 412-413)

"My daughter, Michelle, was pushed to her death from the Duke Ellington Bridge on December 7, 1985 (6 weeks before completion of the fences). At 3.15 in the morning her body was found on the roadway beneath the Ellington Bridge. She was taken there forcibly against her will (from her SW apartment, made to withdraw cash from a bank teller machine at 18th and Columbia) and robbed. The (bank) transaction was timed 15 minutes before her body was found. ... Michelle was a substitute teacher at Woodrow Wilson High School, where she graduated as an honor student. ... She was excited by her new job and not depressed. She did not use drugs or alcohol. ... As a parent of a person who has been a victim of that bridge, you suffer. The loss of a child is something you never get over. I do not want to see another parent suffer the anguish I have gone through.

In 1973, I was a Metro worker .. and we worked down in Rock

Creek Park in a trailer underneath the Duke Ellington Bridge. In my stay there of 6 weeks, two bodies came down from the Bridge." Yvonne Toler, mother of victim (T, pp. 270-273)

"I have personally, in my ministry, prevented two suicides from the Duke Ellington Bridge by intervention and being called there. One of them is still alive. The other died a natural death. They did not commit suicide elsewhere." - Rev. William Wendt, Founder/Director, St. Francis Center (T, p. 222)

"I escaped near death by a fraction of a second. I was driving underneath the Duke Ellington Bridge in about 1973 ... and was narrowly almost killed by a person who jumped. He was an elderly black man who hit the car just in front of me. The woman driving that car was in an hysterical state."
Rev. Dr. Angelo D'Agostino, S.J. and M.D.(psychiatry) (T, p 175)

"He (her brother, Stephan, 25, who jumped to his death from the Ellington Bridge in 1979) was on his way to the Green Door program. I don't think that Stephan was determined to commit suicide. ... I don't think he would have committed it if it wasn't so easy." - Viveca Stackig, brother of suicide victim.

"Dear Chairperson and Council Members:

"My request involves securing the necessary funds to set up barriers along the Calvert Street Bridge in order to prevent further deaths due to suicides.

"My concern in this regard involves a young woman, a very close friend of three years. Seven months ago , due to an illness which she fought courageously for many years, she impulsively jumped from the Calvert Street Bridge to her death. If fences had been in place she might be alive today.

"On June 16, 1984, less than two months later, a 27-year old woman jumped from the Calvert Street Bridge to her death. During the week of January 4, 1984, a man jumped from the Bridge. I have personally known another man who at the same location jumped and died a few years ago." ...

- A letter to ANC 1-C from a young man who lived at 1807 Biltmore Street, NW, read during the testimony of Lynne Ketcham, who reported that the young man jumped to his death from the Bridge less than a year later. (T, p. 91, Exh. 9)

"I am a member of the Woodley House apartment program. I once jumped off a building when I got paranoid with voices that scared me into jumping. Before they put the barriers on the Ellington Bridge, while I was walking across the Bridge. I used to feel paranoid because the voices wanted me to jump off. It scared the hell out of me. I would like the Mayor to keep the fences up." - Michael Greenwood, (T, p. 342)

"... I strongly support the presence of the current suicide prevention fences on the bridge. I have had one patient who was depressed with AIDS who was pulled off of the fences by the D.C. police while trying to kill himself. I have had two other patients tell me that their impulse to suicide was blocked by the presence of the fences. As a mental health professional I am aware of how effective the fences are." Letter of 4/7/89 to Mayor Barry from Dr. Jeffrey S. Akman, psychiatrist on the GWU faculty, who lives at 1936 Calvert Street, NW, 11 houses from the Bridge. (Read to the Mayor by Dr. Michael Sanders, town meeting, 4/10/89

"Our daughter Anne or 'Missy' as we called her, then 24, fell to her death from the Ellington Bridge on November 19, 1979. She had been observed for more than an hour, obviously troubled and ambivalent, pacing back and forth on the bridge. At some stage the Park Police were called. A Park policeman responded, and as he was reaching out to restrain her, she saw him, made an impulsive, instant decision and scrambled over the old waist-high guardrail and fell to her death. ... If the safety fences had been in place at the time, there is no way that Missy could have avoided rescue by the officer, and she would have been given a chance to live.

"Some assume that those who take their own lives are the only victims. But surviving relatives and friends are also victimized. No parent can ever be prepared for the loss of a child. It takes years to cope with the anguish and shock of such an event and full recovery is not possible." - Anne K. Read, T, July 14, 1987.

"I personally had one ex-patient and another active patient jump to their deaths before the barriers were erected. There are many other instances, in 20 years of practicing psychiatry here in the District, that I can unfortunately recall. Please let the barriers stand. - 7/20/87 Letter to Mayor from Dr. Ricardo Galbis, Dir., Andromeda Hispano Mental Health Center, 1823 18th St., NW

In a letter of May 20, 1989 to the Mayor urging retention of the fences, Dr. Galbis noted that "We know of several would-be attempters that have been discouraged by the fences."

"The HHS Task Force on Youth Suicide in 1986 urged authorities to 'limit access to bridges...from which young people are likely to jump to their death.' ... The Ellington Bridge has long been Washington's 'suicide landmark.' ... I strongly urge your support for the barriers." - June 24, 1987 Letter to Mayor from Dr. Alan L. Berman, Wash. Psychological Center; past pres., American Association of Suicidology.

"It is well known that the Calvert Street Bridge is the most lethal of the area bridges. We know that many people are drawn to such sites in fits of despair. ... Impulses can be acted upon quickly at a bridge like the Calvert Street Bridge." Dr. Howard A. Hoffman, President and Medical Director, The Psychiatric Institute of Washington, letter of June 19, 1985 to Mayor.

"I drive across the Duke Ellington Bridge at least twice a day because my children go to nearby Oyster Elementary School. Many of their schoolmates walk across the bridge, as do other neighborhood children. As a parent, I would be very unhappy if the guarrails on the bridge were taken down at this point. I fear possible accidents that might result from children playing on the bridge." - July 8, 1987 letter to Mayor from Linda Ohmans, 1835 Kilbourne Place, NW

"(In 1986) I applauded your action in ordering completion of public safety fences at the Duke Ellington Memorial Bridge, where many scores of persons, including a distressing number of teenagers and young adults had died or been injured form suicide, crime, accident or other causes over the years. ... Aesthetic considerations must take second place to the community's priority public interest in the life-saving safeguards at the Ellington Bridge." - Marian Wright Edelman, Pres., Children's Defense Fund, letter to Mayor dated June 10, 1987.

"As owner of a business in the Adams-Morgan area just four blocks from the Ellington Bridge...I disagree with those of my neighbors in the Columbia Avenue Business Association who oppose this project on esthetic grounds....Clearly, allowing the present loss of life to continue there is far worse for the community." - John O'Toole, Pres., Eli inc., letter to Mayor, June 7, 1985.

Public Schools

STATEMENTS OF:

JAY E. SILBERMAN, COCHAIR, PARENTS UNITED FOR THE D.C. PUBLIC SCHOOLS

MARY LEVY, RESEARCH DIRECTOR, PARENTS UNITED FOR THE D.C. PUBLIC SCHOOLS

DORIS JACKSON, COUNSELOR, WILSON HIGH SCHOOL

LEWIS MAIDEN, STUDENT, DUNBAR HIGH SCHOOL

Mr. **Gallo**. Next we will have Delabian Rice-Thurston. If you have testimony, we will submit that for the record. If you can keep to the 5-minute rule, we would appreciate it.

Mr. **Silberman**. My name is Jay Silberman, cochair of Parents United. We have a submission that has been given to staff.

Mr. **Gallo**. That will be made a part of the record.

Mr. **Silberman**. In addition to myself, Mary Levy, our research director, will summarize some of the numbers. In addition to that we have Doris Jackson, a counselor at Wilson High School, and we have two students from Dunbar High School.

STATEMENT OF JAY SILBERMAN

Members of the committee my name is Jay Silberman, cochair of Parents United. Fifteen years ago I walked these halls as an assistant to Clarence Long, your former colleague on this committee. About 10 years ago my children began school in the District of Columbia and it has been a struggle to assure them that what ought to be a simple matter of right: an educational opportunity that will provide for them a future as bright as that offered by a neighboring or distant public school system, such as may be provided in your home States. In that respect, and though it is not particularly pleasurable to be here asking for money, we are here on behalf of 89,000 children who deserve that chance.

We have given you a big thick presentation. In summary it will cost $220 per child to achieve these ends. We ask, who among you will champion their cause. The $220 per child will buy an expanded summer school program, targeted in our neediest areas, to provide enrichment and recreational alternatives to the boredom and potential for drugs and violence on the streets; a major step toward repairing an almost completely broken-down athletic program; the opportunity to reach all at-risk 3- and 4-year olds with the kind of early childhood program that experts acknowledge can make a profound difference; extracurricular programs—such as school newspapers, music programs, drama clubs, or debate teams—which are universal in many school systems but nearly nonexistent here; more counselors and classroom teachers to move ratios closer to desired levels. The average counselor in this city deals with 400 students. That is double the recommended national average. Supplies and material to relieve chronic shortages; clerical assistance for principals so that they can resume being educators rather than shufflers of increasing mounds of paper, much mandated by Federal law.

The total cost of this package, at $220 per child, is $19 million. I ask again, who among you will champion their cause?

For those among you concerned about guns-and-butter priorities, remember that one Stealth bomber costs $500 million—if we're lucky. The bomber, hopefully, will never be used, and it will be mothballed or junked in a generation.

For those among you concerned about fiscal conservatism, consider the comparatively tiny price of properly educating and preparing a child for a productive future to the overwhelming price tag for jailing him or putting him on welfare or in public housing. Consider also that, if each of the 89,000 children in the D.C. public schools received the kind of education envisioned by the D.C. Committee on Public Education in their report and we do have Gary Kowalazyk who is the head of that committee here to answer questions, and consequently increased his earning power by $10,000 annually, then the eventual yield to the city's treasury would be at least $90 million per year, and Uncle Sam would take in an additional $135 million. Quickly you see that an investment in our schools will yield a tremendous return many times over.

For those among you concerned about basic fairness and equity, consider that the Federal payment covers but a fraction of the cost to this city of the Federal presence. The Federal payment has not kept up with inflation or any other measurable index relative to the city's budget. And consider that less than one-heal of the Federal taxes paid by D.C. citizens is returned to the city in Federal payment.

For those among you concerned about drugs and crime in the Nation's Capital, consider that our recommendations and those of the D.C. Committee on Public Education are the very best and most cost-effective crime-fighting, drug-busting programs that could possible be undertaken.

For those among you concerned about civil rights and equal opportunity, consider than more than 95 percent of D.C. school children are minorities, the large majority of them being black.

We assert that an ounce of prevention is worth a pound of cure. The $220 per child, $19 million price of doing the job is dirt cheap compared to the cost of blowing it. The money will be returned many times over by a more productive generation of young people. And, based on the recent history of Federal funding for the Federal city, it is only fair.

We only ask that you do the smart thing, the fair thing, the right thing. And I ask again, as you prepare to mark up this bill, who among you will champion the cause of these children?

[The information follows:]

OPERATION "OUNCE OF PREVENTION": A PROPOSAL FOR IMPROVING EDUCATIONAL OPPORTUNITIES FOR D.C. CHILDREN AND YOUTH

Background. Parents United for the D.C. Public Schools (Parents United) is a nonprofit research and advocacy organization founded in 1980 to improve public education in the District of Columbia. Its membership includes nearly 1000 individual volunteers as well as parent organizations representing 112 D.C. public schools. Parents United's previous efforts have included: (1) issuing studies comparing D.C. schools to neighboring suburban schools; (2) reporting on school system deficiencies and budgetary shortfalls; and (3) launching an initiative, supported by 77 percent of the District's voters, designating public school funding "a matter of highest priority."

The Problem: Drugs and Drug-Related Crime. Parents United now seeks to tackle the City's drug and crime problem. It recognizes that basic educational and extracurricular opportunities are critical to healthy, productive development and eventual employment. Conversely, lack of basic skills and self-esteem leave young people susceptible to seeking money, power and self-respect through crime and weapons. (For a fuller description of "the problem," see "Public Education in the District of Columbia and its Relationship to the Drug Crisis: the Need for Truly Preventative Strategies," Attachment A to this paper.)

Operation "Ounce of Prevention". Through its "Ounce of Prevention" campaign, Parents United proposes that additional funding be allocated to the D.C. public schools. In particular, it seeks additional funding to (1) improve the substandard, and, in many cases, unsafe, athletic facilities and programs; (2) expand extracurricular opportunities, including language enrichment programs, club activities, and musical recreation; (3) provide summer enrichment and remedial programs; (4) provide additional counselors at the senior high school level; (5) provide quality early childhood programs; and (6) provide needed supplies. The following summary briefly describes the proposal. (This last page of this summary includes a chart of the elements of the proposal.)

1. Athletic Programs: D.C.'s public school athletic programs do not begin to meet students' needs. Dangerously decrepit athletic facilities, underpaid coaches, and severe shortages of equipment prevent the public schools from giving students constructive after-school alternatives to street life and opportunities to develop physical skills, self-discipline and self-confidence through teamwork and competition. (*See* Attachment A, pp. 4-6; *Washington Post* articles, 2/9/89, 4/30/89--Attachments B, C). In November of 1987, a task force appointed by the Superintendent characterized the school system's athletic facilities as "[g]rossly inadequate".[1] The athletic facilities' many unsafe conditions include warped gym floors, broken mixing valves for controlling shower temperatures, rutted football and softball

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[1] *See* *Final Report of the District of Columbia Public Schools Task Force on Interscholastic Athletic Programs*, November 1987.

fields, broken bleachers, slippery floor surfaces, and glass-filled track surfaces. (See Report by Roosevelt Greer, Jr., Special Assistant to the Superintendent for Athletics, to Dr. Andrew Jenkins, re Safety of High School Gymnasiums and Athletic Fields, July 26, 1988, Attachment D). And coaching salaries in D.C. are substantially lower than salaries in any of the surrounding suburbs; for example, an Arlington football coach earns $4,169 and a Montgomery coach earns $3,620, while a District football coach earns $1,450. The D.C. public schools' starved athletic program offers students many fewer and poorer athletic opportunities than those students in surrounding suburban school systems enjoy. (See "Sports Teams at McKinley Senior High vs. Typical Suburban High Schools of Similar Size," Attachment E.)

An additional $3.7 million in non-capital funding for athletic programs would enable the school system to repair football bleachers, football fields, and gym lights, to replace broken scoreboards, lockers, and water fountains, and to purchase uniforms and equipment for the junior high and high schools. It would allow the school system to raise coaching salaries to levels comparable to those of coaches in the suburbs, and to hire trainers and officials for high school interscholastic programs. An additional $985,500 in the capital budget for athletics in Fiscal Year '90 would allow the school system to refinish the floors of basketball courts, replace basketball stands, design four high school tracks, and plan for repairs to McKinley High

School. (For a more detailed accounting of what improvements could be accomplished under this proposal, see Attachment F, "Budget Request for Athletics, FY '90").

2. Summer School Programs: The vast majority of D.C. public school students come from poor families; three-fifths of the students in D.C.'s elementary schools (and probably its secondary schools as well) are from families whose income is so low ($15,145 for a family of four) that they qualify for free school lunches.[2] Few parents of D.C. public school students can afford to pay for their children to participate in camp, enrichment classes, or athletic programs during the summer. Instead, many of these students will spend the entire long, hot summer isolated in deteriorating neighborhoods, without access to parks and other recreational diversions. Moreover, many of these high-risk students will suffer substantial losses in academic achievement during the long summer break.

An additional $4 million in funding for summer school programs would allow 5,000 to 6,000 children to participate in fun, enriching and challenging summer programs targeted to serve the most drug infested areas of the city. During the morning, the program would engage children in academically supervised ungraded activities such as computer clubs, science exploration, and field trips to museums and other Washington highlights. In the afternoon, students would participate in sports and other extra-curricular programs. Teams of teachers, volunteers, assistants, and coaches would staff the program.

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[2] See M. Levy, Background Paper on the District of Columbia Public Schools, Prepared for the District of Columbia Committee on Public Education, April 1989, p. 1.

3. Early Childhood Educational Opportunities: Each year, 3,000 to 4,000 children are born into poverty in the District of Columbia. Most of these children face overwhelming disadvantages early in life, including health problems, learning disabilities, and the disruptive consequences of poverty on their families and neighborhoods. Comprehensive early childhood education programs substantially increase the likelihood that poor children will stay in school, avoid early parenting, obtain jobs, and achieve economic self-sufficiency.

Existing early childhood programs in D.C. serve approximately 5500 of the 6800 three and four year olds from low-income families; approximately 1,000 three and four year olds from poor families do not participate in any early childhood program. Moreover, one-fourth of D.C.'s pre-kindergarten classes have more than 20 children enrolled, and 20 to 40 percent of these classes have no full-time aide.

The $3.1 million request for early childhood programs would expand the coverage of the District's early childhood programs to reach most poor three and four year olds not currently served and to expand the number of poor children in before and after school programs. The additional resources would also enable the school system to achieve acceptable student/staff ratios by hiring aides for pre-kindergarten programs.

4. Secondary School Guidance Counselors: Ratios of students to counselors in the D.C. public schools are far too high--about 275 students to counselors in the junior highs and 333 students per counselor in the senior highs. (Montgomery County's overall secondary pupil/counselor ratio is 262/1, despite its far smaller percentage of students coping with poverty, drug abuse, crime, and hopelessness in their homes and neighborhoods.)[3] The system urgently needs more counselors in the secondary schools to help students respond to the drug abuse and violence which has traumatized so many of the city's families.

An additional $0.7 million in Fiscal Year '90 would enable the school system to hire 24 new counselors for the secondary schools.

5. Supplies: The D.C. public schools suffer chronic shortages of supplies, texts and instructional materials.[4] These shortages of basic ingredients for teaching, such as paper, pens, pencils, chalk, textbooks, workbooks, globes, maps, office supplies, and other similar items, contribute to low morale among teachers and students and detract from their academic goals. An additional $1.5 million in Fiscal Year '90 would enable the school system to meet the need for these supplies.

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[3] *Id.* at 24.

[4] *Id.* at 19.

6. __After-School Programs__: Extra-curricular programs such as school newspapers, debate teams, music programs, drama clubs, and academic enrichment programs, should be available to all students in order to nurture their creative capacities and provide them with alternatives to the streets. Yet D.C. public schools offer shamefully few extracurricular options--many fewer than Montgomery and Fairfax County schools of similar size.[5] This dearth of extracurricular opportunities reflects the fact that faculty sponsors in the District are paid only a fraction of the stipends paid to sponsors in other suburban districts, and many receive no stipend at all. (__See__ Table A, Attachment G to this memo, comparing stipends for extracurricular activities in D.C. and Montgomery County.) For example, the Montgomery County School system pays a $1,575 stipend for teachers who sponsor the yearbook and newspaper activities, while the D.C. school system pays only $500 for the same activities. And while a Montgomery County teacher who supervises student government receives $1750, a teacher sponsoring the same activity in D.C. receives only $500.

With approximately __$2.0__ million in FY '90 earmarked for after school programs, the D.C. public school system could offer comparable stipends for teachers who supervise extracurricular programs, reach more students through these programs, and offer a greater variety of activities.

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[5] __Id.__, Part II, at 23.

In addition to the "Ounce of Prevention" program outlined above, Parents United supports those elements of the D.C. public school system budget request not covered in the foregoing proposal.[6]

CONCLUSION

Congress could devise no wiser drug-prevention strategy than targeting funds for educational and extracurricular opportunities in D.C.'s public schools. Please lend your support.

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[6] For a comparison of the proposals, see "Reconciliation of DCPS and Parents United Proposals," Attachment H to this memorandum.

PARENTS UNITED'S "OUNCE OF PREVENTION" PROPOSAL FOR ADDITIONAL D.C. PUBLIC SCHOOL FUNDING FOR FISCAL YEAR '90

ITEM	AMOUNT ($ MIL.)
1. UPGRADE ATHLETIC PROGRAMS	3.7
PROVIDE COMPARABLE SALARIES FOR COACHES; PROVIDE TRAINERS FOR INTERSCHOLASTIC PROGRAMS; MAKE CRITICAL REPAIRS TO BLEACHERS, LOCKERS, LIGHTS, ETC.	
2. PROVIDE SUMMER SCHOOL PROGRAMS	4.0
PROVIDE ENRICHMENT AND REMEDIAL PROGRAMS FOR 5,000 TO 6,000 CHILDREN; LINK WITH RECREATION AND JOBS PROGRAMS	
3. PROVIDE QUALITY EARLY CHILDHOOD PROGRAMS	3.1
PROVIDE PRE-K AIDS; SUPPORT BEFORE AND AFTER SCHOOL PROGRAMS AS WELL AS EXPANSION TO THREE YEAR OLDS NOT BEING SERVED	
4. PROVIDE SECONDARY SCHOOL COUNSELORS	.7
ADDRESS CRITICAL SHORTAGE AT SENIOR HIGH SCHOOL LEVELS	
5. PROVIDE NEEDED SUPPLIES	1.5
ADDRESS CHRONIC SHORTAGES OF SUPPLIES, TEXTS, AND INSTRUCTIONAL MATERIALS	
6. SUPPORT EXPANSION OF AFTER-SCHOOL PROGRAMS	2.0
SUPPORT EXTRA-CURRICULAR PROGRAMS AFTER SCHOOL (LANGUAGE ENRICHMENT, CLUBS, SCIENCE, MUSIC) AS WELL AS REMEDIATION	
SUBTOTAL	15.0
OFFSETTING SAVINGS FROM REDUCTIONS IN ADMINISTRATIVE OVERHEAD	3.0
TOTAL	$12.0

Parents United for the D.C. Public Schools

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PUBLIC EDUCATION IN THE DISTRICT OF COLUMBIA AND ITS RELATIONSHIP TO THE DRUG CRISIS: THE NEED FOR TRULY PREVENTATIVE STRATEGIES

Introduction

The District of Columbia has the highest incarceration rate in the nation--more than 1500 people incarcerated for every 100,000 residents.[1] Yet drug-related crime rages unabated and contributes to the rapid deterioration of many of the city's poorest neighborhoods. William J. Bennett, Director of the Office of National Drug Control Policy, recently announced a federal strategy for fighting drugs in the District of Columbia, by creating prison space, intensifying law enforcement efforts, evicting drug offenders from housing projects, and increasing funding for drug education and treatment programs.[2] But common sense and all available evidence suggest that we cannot effectively combat drugs and crime in the District of Columbia without looking beyond the symptoms of poverty and desperation to their causes--especially shockingly poor educational opportunities for D.C.'s children and youth.

Parents United for the D.C. Public Schools ("Parents

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[1] See D.C. Bar Coordinating Committee on Prisons and Prisoners, D.C.'s Prisons in Crisis 18 (1989).

[2] See Statement by William J. Bennett, Press Conference on Drugs and Crime in Washington, D.C., April 10, 1989.

United")[3] therefore urges Congress, in developing responses to D.C.'s current woes, to focus on the D.C. public schools' failure to provide children and youth with basic educational and extracurricular opportunities necessary for healthy development and eventual (lawful, productive, tax generating) employment. Indeed, the deplorable physical conditions of the D.C. public schools, their shortages of equipment and supplies for academic and athletic programs, and their inability to attract and keep good teachers, deny disadvantaged children many opportunities, hopes, and aspirations which their suburban counterparts take for granted. For many D.C. youth, the drug trade constitutes a relatively glamorous and extremely lucrative alternative to the limited opportunities offered by the public schools. Congress could devise no wiser drug-prevention strategy than targeting funds for educational and extracurricular opportunities in D.C.'s public schools.

The Needs of the D.C. Public Schools

The D.C. public schools, like urban public schools in most major metropolitan areas, invariably lose in the annual battle for municipal tax dollars, despite the growing educational needs of their increasingly poor and disadvantaged students. Low test scores, high dropout and absentee rates, and the deterioration of school facilities reflect, in large part, the schools' lack of financial and other resources, and they contribute to low morale among school administrators, employees, and students.

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[3] Parents United is a nonprofit research and advocacy organization founded in 1980 in order to improve public education in the District of Columbia. Parents United's membership consists of parent organizations in 112 District of Columbia public schools.

The schools' lack of financial resources detract in myriad ways from their capacity to educate students. Chronically short supplies of textbooks, supplies and equipment frustrate teachers' efforts to conduct classes and assign homework. The schools' science programs are impaired by serious deficiencies in laboratory facilities and equipment. Only 14 of 27 junior highs have labs at all, and only one of those has adequate equipment. In the fourteen senior highs, only seven have adequate labs and only three have adequate equipment.[4] On a per pupil basis, D.C. elementary schools have an average of thirty percent fewer books than Montgomery County public elementary schools, and senior high schools have twenty-two percent fewer books than their Montgomery County counterparts.[5] In testimony presented to the Mayor and City Council last winter, hundreds of parents, teachers, and students expressed their exasperation about these conditions and concern that such deficiencies seriously undermine the schools' educational goals.

In addition to their deficiencies in supplies and equipment, most of the D.C. public schools report leaking roofs, crumbling plaster, broken windows, poor security, inadequate fire prevention facilities, faulty wiring, and other serious disrepair.[6] Independent volunteer inspections conducted by teams of developers and- contractors for the Federal City Council's D.C. Committee on Public Education confirm these conditions. Many of these problems, such as missing fire doors, falling plaster, and holes in floors and playgrounds, seriously endanger students and teachers. Other conditions, such as exterior doors and windows that do not close properly, missing window guards, and doors that cannot be locked, constitute grave security problems. All of these problems distract students and teachers from their academic pursuits, and compound many disadvantaged students' perceptions that no one cares whether or not they succeed in school.

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[4] See Parents United, Report Card on Resources in the District's Local Schools, February 3, 1989 (attachment A).

[5] Id.

Just as the schools' academic programs suffer from severe shortages of equipment and supplies and the dangerous physical conditions of the schools, the athletic programs also suffer from extreme neglect. Public school athletic programs should give students opportunities to develop physical skills, self-discipline and self-confidence, as well as appreciation for teamwork and competition. After-school athletic programs can also provide students relatively safe places to spend their out-of-school time and constructive alternatives to street life. (Other extracurricular activities such as school newspapers, debate teams, drama clubs, and similar activities can also provide positive school experiences, but they, too, receive shamefully inadequate resources in the D.C. public schools. The typical District secondary-schools studied by Parents United had many fewer activities than Montgomery and Fairfax schools of similar size.)[7] The D.C. schools' athletic programs do not begin to meet the community's needs.

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[6] See Parents United for the D.C. Public Schools, 1987 Survey of Public School Building Conditions, Final Results, February 17, 1988.

In November of 1987, a task force appointed by the Superintendent concluded that D.C.'s athletic program was completely inadequate, in large part because the program lacked sufficient financial support and staffing. According to the task force, "[g]rossly inadequate and condemned facilities; substandard and insufficient amounts of equipment, dangerously ineffective security and safety measures; underpaid and poorly trained personnel and a drastic shortage of qualified coaches," illustrate "the critical state of the program".[8] The athletic facilities' many unsafe conditions include warped gym floors, broken mixing valves for controlling shower temperatures, rutted football and softball fields, broken bleachers, slippery floor surfaces, and glass-filled track surfaces.[9] Moreover, coaching salaries in D.C. are substantially lower than salaries of coaches in any of the surrounding suburbs,[10] and prevent the athletic program from attracting qualified applicants.

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[7] M. Levy, The District of Columbia Public Schools, Prepared for the D.C. Committee on Public Education, April 24, 1989, Part II, p. 6.

[8] Final Report of the District of Columbia Public Schools Task Force on Interscholastic Athletic Programs, November, 1987.

[9] See The Final Report of the District of Columbia Public Schools Task Force on Interscholastic Athletic Programs, November, 1987; Report by Roosevelt Greer, Jr., Special Assistant to the Superintendent for Athletics, to Dr. Andrew Jenkins, re

No ingredient for good public education is more essential than attracting and retaining competent and engaged teachers. Yet the District of Columbia Public School system pays its teachers substantially less than any of the surrounding suburbs--seven to ten percent less for starting teachers and eight to twenty-seven percent less for top teachers.[11] From 1985 through 1988, teacher salaries in D.C. increased by 7.9 percent, while teacher salaries in Virginia increased 18.8 percent and teacher salaries in Maryland increased 15.4 percent.[12] Moreover, the District of Columbia Public School system offers teachers

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Safety of High School Gymnasiums and Athletic Fields, July 26, 1988 (Attachment B).

[10] For example, an Arlington County football coach earned $4,169, while a District coach earned $1,450, a Prince George's County coach $2,090, and a Montgomery County coach $3,620. Similar discrepancies occur in all categories. Washington Post, February 9, 1989, D9 (Attachment C).

[11] See Parents United, Report Card on Resources in the District's Local Schools, February 3, 1989.
In Montgomery County, the beginning teacher salary is $23,760 and the average salary is $39,912. In the District of Columbia, the beginning teacher salary is $21,479 and the ceiling is $35,893. See Washington Post, February 9, 1989, D9.

[12] R. Bird, Analysis of Teacher Compensation in District of Columbia Public Schools, Prepared for District of Columbia Committee on Public Education, Teaching Profession Subcommittee, March 8, 1989, p. 9.
The starting salaries of D.C. teachers (adjusted for cost of living differences) are approximately four percent below those of teachers in other similar school districts nationwide. Id. at 28.

much smaller supplements than suburban districts, and no supplements at all in many cases, for sponsoring student activities and coaching.[13] The vastly inferior working conditions in the D.C. schools--including shortages of supplies, texts and equipment, poor conditions of the buildings and facilities, serious security problems, and the stressful home environments of many of the students--combined with D.C.'s failure to offer competitive salaries seriously impairs its capacity to attract and keep good teaching personnel. This problem will become especially significant during the next few years as large numbers of the District's teachers retire and create a severe demand for new teachers.[14]

The Consequences of Public Schools' Failures for D.C. Children and Youth

D.C.'s drop-out rates and measures of scholastic achievement reflect our public schools' failures. In 1988, according to the U.S. Department of Education, the District's number of graduating seniors as a percentage of ninth grade enrollment four years earlier was 59.5 percent.[15] That figure translates into a 40.5 percent drop-out rate--higher than that of any state. (This figure may actually underestimate the drop out rate because it does not include students who drop out before 9th grade.) Approximately fifty-six percent of D.C. public school drop-outs leave school before entering tenth grade.[16] These startling drop-out rates are three to four times those of surrounding counties.[17]

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[13] See Parents United, Report Card on Resources in the District's Local Schools, February 3, 1989.

[14] Over twenty-five percent of the District's 6,391 teachers are over age 50 and will be eligible to retire within the next ten years. R. Bird, Analysis of Teacher Compensation in District of Columbia Public Schools, Prepared for District of Columbia Committee on Public Education, Teaching Profession Subcommittee, March 8, 1989, p. 3.

The academic achievement levels of the students in our public schools are also disturbingly low. During the '86-87 school year, only one high school in the district achieved a schoolwide grade point average at or above 2.0.[18] On national achievement tests, D.C. students' median score is slightly above national norms in elementary school, but falls to the 39th percentile by the eighth grade and to the 33rd percentile in grade 11.[19] D.C. students' composite SAT score average in '87-

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[15] See U.S. Department of Education, Center for Educational Statistics, "Common Core of Data" survey, Fiscal Year 1987.

[16] See M. Levy, The District of Columbia Public Schools, Prepared for the D.C. Committee on Public Education, April 24, 1989, Part II, p. 6.

[17] Arlington Public Schools 1988-89 Fact Book, p. 10; Montgomery County Public Schools--Report on Dropout Data and Issues to be Considered in Defining Who is a Dropout, Sept. '88, pp. E-3, 14; Fairfax County Public Schools, Statistical Report: High School Dropouts, Grades 9-12 1987-88 October 1988, p. 1.

[18] The Secondary School Improvement Program 1986-87, Final Evaluation Report, Floretta Dukes McKenzie, October 1987, p. iii.

[19] M. Levy, The District of Columbia Public Schools, Prepared for the D.C. Committee on Public Education, April 24, 1989, Part II, p. 4.

'88 was 713, compared to a national average of 906.[20] This average composite score is well over two hundred points below the scores for Montgomery, Fairfax and Arlington Counties.[21] The Office of the Secretary of Defense reports that D.C.'s mean score on the Armed Forces Qualification Test (which focuses on arithmetic reasoning, numerical operations, word knowledge, and paragraph comprehension) in FY 1987 was significantly lower than any state in the union.[22]

High drop-out and low achievement rates for D.C.'s public schools translate into poor employment prospects for many D.C. youth, despite this region's extremely strong demand for employees to fill thousands of public and private sector jobs.[23] Of those D.C. public school students who fail to graduate, only 33 percent are employed and only 18.9 percent of these students were employed full-time.[24] Indeed, the military, often regarded by the general public as the employer of last resort for high school drop-outs, reports that a non-graduate has only a sixty percent likelihood of completing the first term of enlistment, compared with eighty percent for graduates.[25] In studies performed by the Bureau of Labor Statistics, in the Southern region of the United States (including D.C.) the proportion of the population between the ages of twenty and twenty-four participating in the labor force as of March of 1988 was 66.4 percent for those with less than four years of high school and 83.4 percent for those with a high school education or more.[26]

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[20] Id.

[21] Washington Post, September 20, 1988, B1:5.

[22] Office of the Assistant Secretary of Defense, Population Representation in the Military Services Fiscal Year 1987, August 1988, p. II-26.

[23] See Greater Washington Research Center, Greater Washington's Labor Shortages (1988).

[24] District of Columbia Public Schools, A Study of Students Who Left: D.C. Public School Dropouts, October 1988, p. 17.

No available statistics tell us how many students from the D.C. public school system eventually participate in D.C.'s drug trade. But we do know that approximately 40,000 people in D.C. are under the jurisdiction of the D.C. Department of Corrections--approximately 13,000 on probation, 11,000 incarcerated, 10,000 awaiting trial, and 5,000 on parole.[27] As of September 1988, drug offenses comprised 40.1 percent of the crimes committed by the incarcerated population.[28] Over ninety percent of the inmates in the D.C. corrections system are black males, almost three-quarters of them between the ages of nineteen and thirty-five, and only about thirty-six percent of this inmate population claims to have completed high school.[29] Only 8.6 percent of those inmates had any college education or any training beyond high school.[30] Fifty-four percent were unemployed at the time of their commitment.[31]

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[25] Office of the Assistant Secretary of Defense, Population Representation in the Military Services Fiscal Year 1987, August 1988, p. II-18.

[26] Bureau of Labor Statistics, Educational Attainment Data as of March '88.

[27] Statistics from the Office of the Mayor, cited during MacNeil-Lehrer interview of Police Chief Maurice Turner and Rep. Stan Parris, April 21, 1989.

[28] *See* Demographic Characteristics of the Incarcerated Population--DCDC (Fourth Quarter--FY 1988), Office of Planning and Program Analysis, D.C. Department of Corrections, October, 1988.

Although these facts do not conclusively establish the causal relationship between the D.C. public schools' failures and the current drug crisis, the correlation between the problems is indisputable. Without denying that other interrelated factors, such as poverty, family breakdown, poor health care, and physical isolation also contribute significantly to D.C.'s drug trade and drug-related crime problems, Parents United asserts that investment in education is the single most effective and cost-efficient strategy for addressing the needs of D.C.'s children and youth.

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[29] Id.

[30] Id.

[31] Id.

The Washington Post

SUNDAY, APRIL 30, 1989

Interhigh League Problems Reportedly Are Worsening

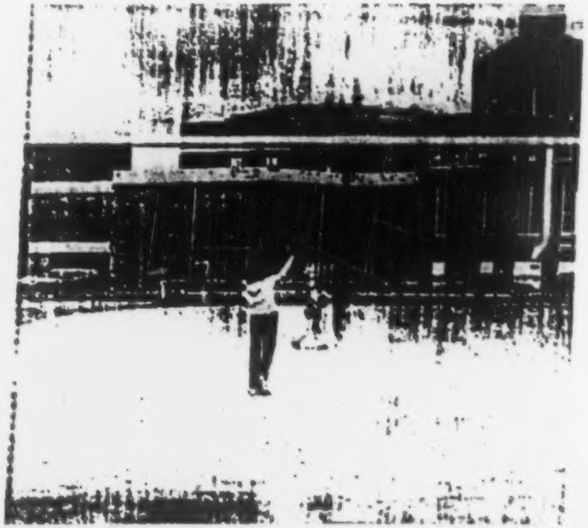
By Donald Huff
Washington Post Staff Writer

Eighteen months after a report of a special task force called for major changes in the D.C. Public School Interhigh Athletic League, a number of principals say that concern for the safety of their athletes could jeopardize the continued existence of their interscholastic sports programs.

Kent Amos, the chairman of the task force, said, "Little or no change at all" has occurred since the group delivered its report, and one consultant said, "The total situation is horrendous and the priority for athletics just isn't there."

In addition, another group, Parents United for the D.C. Public Schools, is concerned that the situation is so bad it threatens the athletes' safety. Attorney Roderic Boggs, who has children in the D.C. system, has been advising the group, and says there are plans to go to Congress for money. "We took a tour of the D.C. schools and, when you look around at the other area jurisdictions, it is a shocking situation," Boggs said.

Boggs' group, as is the case with members of the task force that presented the study on the Interhigh athletic system to then-Superintendent Floretta Dukes McKenzie



a year and a half ago, is displeased by the inaction since. The task force report found the existing D.C. athletic program grossly inadequate and proposed a $4.3 million budget that would pay for salaries, supplies, equipment and a number of other necessities it said would put the league on a par with neighboring jurisdictions.

That task force since has been dissolved and many close to the situation say problems have continued to worsen. Both the indoor and outdoor facilities at the majority of the high schools are in need of serious repairs and there is a drastic shortage of equipment, uniforms and general supplies. Most agree there is a need for a better procedure for the hiring and monitoring of coaches, and concern is growing about the safety of student athletes.

"When you think about the overall safety of our facilities and equipment, and availability of doctors and trainers, we have a very long way to go," Wilson High School Principal Mike Durso said.

"I am very concerned about our safety situation. Maybe we need to take a long look at our program and think about going back to intramurals until some things are done. Until the system decides it wants a first-class program, everything is going to be second rate."

The Interhigh League is made up of 11 D.C. public high schools—Wilson, Ballou, H.D. Woodson, Dunbar, Roosevelt, Eastern, Anacostia, McKinley Tech, Cardozo, Coolidge and Spingarn. Funded sports include football, boys and girls basketball, boys and girls track and cross country, girls volleyball, girls softball, boys baseball and co-ed tennis.

"I have seen little or no change at all and, after discussing the issue with other people, I can't say if I'm hopeful there will be a change," said Amos, president of the TRIAD Corp. "There need to be structural changes across the board because the entire education picture is disappointing. I know others are looking into the problem and I hope the board of education and the superintendent [Andrew Jenkins] are more receptive to them than they were to us."

Jenkins and members of the school board agree there are problems that need immediate attention. Some say progress has been made, but all agree more is needed and say funding is a problem.

"I am not content with where we are and I recognize there is much need for improvement," Jenkins said. "In terms of what I see as priorities for the athletic program, those issues that deal with the safety of the student athletes would be first and foremost in my mind because of the regard of the welfare of all the young men and young women who participate."

Last summer, an additional report on the safety of the high school gymnasiums and athletic fields was conducted by Ted Greer, who concluded immediate attention should be focused on certain schools, in particular McKinley, Anacostia and Cardozo, where a lack of general repairs could place student athletes in potentially dangerous situations.

Greer, on loan from the Department of Transportation's office of civil rights and acting as a special assistant to Jenkins for athletics, said, "The total situation is horrendous and the priority for athletics just isn't there.

"Since that was the case, I felt the best way to gain any attention was to focus on safety, and I found out people aren't interested in safety, either. Based upon the time and energy put into this study, I'm disappointed and could say it was a waste of time because I can't see where it made any difference. To a large degree, everything is at a standstill."

Finding funds for the athletic program has been the major problem. For the past few years, the system has operated on less than $500,000 ($388,550 in 1988-89), which pays for all of the boys and girls athletic equipment and supplies for the approximately 180 elementary, junior and senior high schools in the system. Coaches salaries, transportation of teams, officials and other necessities come out of another budget.

According to school board member Bob Boyd (4) and Linda Dejoseph, the director of the budget division, the board of education requested $512.4 million, of which approximately $800,000 would have been funneled into the athletic program. But the D.C. City Council approved only $500.5 million and the additional $800,000 allotment was not approved.

Many big-city school systems are having similar funding problems for their sports programs, resulting in cutbacks in the number of sports. In the Washington area, suburban schools have traditionally earmarked more funds for sports.

In Montgomery County, for example, the entire school budget for the 1988-89 year was $870.5 million, and the approximate cost for athletics at the 20 high schools in the county was $2.4 million; that includes coaches salaries, equipment and supplies. In Prince George's County, the entire budget for 1988-89 was just over $470 million, with more than $1.5 million being allocated for the athletic program, coaches salaries, supplies, insurance, officials and other necessities for 20 high schools.

In addition, many suburban schools have active booster clubs that help raise additional funds and use gate receipts at football and basketball games to help supplement budgeted athletic programs. In the District, very little revenue is taken in from gate receipts, and booster clubs are virtually nonexistent.

"There is still the chance we can get the other $12 million," Dejoseph said. "And should that happen, I can safely say the board will probably put the $800,000 back in the athletic budget . . .

"I don't know when, but, at some point, we stopped paying attention to our facilities and the program and the years of wear took its toll."

"The task force recommended a total of $4 million to get the system in good shape, and we had hoped the $800,000 would be the first of five yearly installments," Boyd said. "This is a temporary setback, and it doesn't mean we can't get it back."

But right now bleachers are still falling down and very few have outside guard rails, track and field facilities are poor or nonexistent at some schools, baseball and softball teams have to scramble to find suitable facilities, equipment is scarce and some schools are unable to field teams in some sports because of the lack of equipment or coaching personnel.

Anacostia basketball coach Henry Lindsey, a member of the task force, said, "Our school facilities have been in horrible shape for years. Our track is gravel and should be condemned. We are the only school with no gymnasium [for interscholastic games]. We have to play baseball and softball away from our school and our locker rooms and shower facilities need repairs. That little bit of money they give us for our entire program could go to football alone and that wouldn't be enough."

In the 1988-89 budget, each of the 11 high schools received approximately $10,000 to purchase small amounts of equipment, uniforms and supplies. Although the costs of athletic equipment and uniforms have almost doubled in the past decade, the league has received virtually the same amount of money to support its programs.

Another member of the task force, Pat Briscoe, the athletic director at Anacostia, said her school's facilities are in the same or worse condition than they were several years ago.

"Some of these same problems were here when I came here in the '70s. I'm definitely concerned about safety. Our bleachers are in bad shape and nothing has been done to upgrade them," Briscoe said. "The bulk of the little money we get for uniforms and equipment goes to the football program because it is the most expensive."

At McKinley, principal Betty Topps said most of the facilities were in need of immediate repair.

"Because of our situation, we have to use other facilities for athletics," Topps said. "Because of the financial crunch several years ago, a choice had to be made between upgrading the facilities and other necessities. Our facilities were already bad and the lack of work on them further compounded the problem."

High School Coaches Face Unequal Rewards

Survey Reveals Significant Discrepancies in Stipends Paid By Washington Area Public School Jurisdictions

By David Levine
Special to The Washington Post

The boys basketball game between Wakefield and H.D. Woodson high schools earlier this season featured two evenly matched teams, as proven by the 65-57 final score.

On the sidelines, however, there was a major difference. The inequity was not in coaching talent, but in the vastly different amount of stipends the respective coaches will receive for their equally dedicated efforts from November through March.

Wakefield's Bob Veltran will be paid almost three times as much money this season ($3,127) as H.D. Woodson Coach Rudy Peters ($1,200). According to a recent survey conducted by The Washington Post, this is representative of the differences that exist in coaches' pay among Washington area public school jurisdictions.

The survey of coaching stipends (money paid in addition to teaching salaries) found that the highest-paid coaches are in Arlington and Montgomery counties; the lowest are in the District and Prince George's County.

An Arlington County football coach earned a standard stipend pay of $1,169 compared to $1,450 for a District coach, $2,090 for a Prince George's County coach, $3,620 for a Montgomery County coach and $2,491 for a Fairfax County coach.

In Montgomery County, the beginning teacher's salary is $23,760 while the average is $39,912. In the District, beginning teachers earn $21,479 while the ceiling is $35,893.

According to Churchill football coach Fred Shepherd, football coaches devote an average of about 450 hours per season to their teams. In Montgomery County, this averages out to about $8 an hour. In the District, it breaks down to $3.22 an hour, which is 13 cents less than the federal minimum wage.

Although Prince George's and Anne Arundel counties have a three-tiered system of athletic stipend pay that rewards coaches' longevity, Montgomery and the District do not.

"You try not to think about the inequity," said Coolidge basketball coach Len Farello, who is in his second year coaching the Colts and was an assistant coach for 17 years. "But it just isn't fair. The scale is terrible. I'm coaching 20 years and making $1,200. A kid comes out of college and gets a job doing the same thing and he earns the same thing as me. It's ridiculous."

District school board member Angie Corley said she wasn't aware of the pay discrepancy among coaches. "If that's true, I think we need to look at it and move forward with equity because we feel our young people need leadership, skill and sharp minds to keep them involved and develop their talent.

"We know a lot of young people from the inner city have gone to college because of their athletic talent. So this is very valuable to inner city youth. We need to pay the coaches as much as we can to let them know they, too, are valued and are very much needed."

Although Anacostia football coach Willie Stewart, who just finished his eighth season coaching, feels he is underpaid, he said, "We will still coach even if there's no money. We're not into it to get rich."

They aren't likely to, given the financial constraints facing schools as they try to stretch budgets and meet concerns about overall teacher salaries and academic offerings. Coach's pay often becomes a matter of priorities. For instance, the D.C. school board had a 1988-1989 budget of $452,403,000 and has 13 high schools. Arlington has a school budget of $107,226,354 and three high schools. But despite the similar budgets, Arlington pays its coaches much more.

"We strive to get the highest quality people we can and we have to pay to keep them," said Arlington County school board member Judy Conley. "Coaching is a very responsible job. You've got to be a role model and a mentor for the students."

The District's acting athletic director, Gil Hoffman, said he intends to study the pay inequity of the coaches' stipends.

"I think the discrepancy needs to be eliminated," Hoffman said. "We want to make our coaches' pay competitive. We've got to pursue [a pay scale], there's no doubt about that."

But Prince George's school board member Thomas Hendershot, who also is a first-year boys basketball coach at Bowie, said budgetary realities are impossible to overcome. That, he said, is at the base of the pay differences.

In Prince George's, the budgets are still being influenced by the Tax Reform in Maryland (TRIM), a measure passed by voters several years ago. According to Prince George's board member Doris Eugene, the TRIM referendum put a cap on property tax profits, severely limiting the amount of funds available for teachers and coaches. The county's citizens ended up paying less taxes, leaving fewer dollars available for extracurricular school activities.

"Our resources are very limited and we're still recovering from the effects of TRIM," said Eugene. "In 1982, as a result of TRIM, everything was cut and it has been a long uphill battle to regain everything we've lost. We're trying to play catchup."

The Prince George's County school system was allotted a 1989 budget of $464,793,921, about $114 million less than Montgomery County's budget of $578,305,680. Prince George's has 5,000 more students than Montgomery.

"Montgomery County has a different economic base," said Eugene. "Their citizens demand they put those dollars into education. We've never had the financial resources they have. And I'm constantly amazed we do so much with so little."

Montgomery County set up its stipend pay system for coaches in 1973. Prior to that, the county had a straight hourly wage. The county's director of athletics, Bill Kyle, said Montgomery County decided against using a scale based on longevity, so all its coaches in a particular sport are paid the same.

The stipends are determined by the length of the particular season, the number of games, practices and total time spent working on the sport.

"We didn't want to deal with the experience [factor]," he said. "We decided not to do that. They both worked the same amount of hours. The experience is probably good. For the most part the experienced coach would be better; we grant that. But we made the decision not to pay more. They work the same amount of hours so we'll pay them the same."

Rita Chappelle, Wyman L. Calona Jr., Mark Holmes, Bruce Speight and Andre Williams contributed to this report.

Office of Instruction **Health, Physical Education, Athletics and Safety**
Lovejoy Elementary School
12th and D Streets, N.E. Washington, D.C. 20002

TO: Dr. Andrew Jenkins
Superintendent, D.C. Schools

July 26, 1988

FROM: Roosevelt Greer, Jr.
Special Assistant to the
Superintendent for Athletics

SUBJECT: Safety of High School Gymnasiums and Athletic Fields

One of the fourteen items that I am addressing in implementing the Superintendent's Task Force Report on Athletics is "Safety for Athletes and Students". I surveyed each of the high schools, asking them to identify for me those items that related to their athletic program that were in need of replacement or repair. I took the results of this survey and asked Mr. Shelton Lee, Director of Security to have Mr. Angino, the Safety Manager to look at the results of the survey from the safety perspective. Attached is the report that was developed by Mr. Angino. The report points up the following:

1. There are a number of items in need of repair or replacement that have been inoperative for "several" years, have been brought to the attention of the school principal, Buildings and Grounds Staff, and the Superintendent's Office and have not been addressed.
2. Although the "system" is operating within the constraints of a budget defecit, items in need of repair or replacement that impact on the safety of athletes, students, and/or spectators need to be prioritized.
3. A number of items identified in the attached report can be repaired with in-house staff at little to no additional expense (i.e., players benches, water fountains leaking, hot water mixing valve repair, inoperative drains, etc.).
4. There needs to be a review of the procedures for that part of the school system's administrative personnel to determine how a building or playing field can be condemned and still be used for practice and league play. Injuries to players and/or spectators using condemned equipment or buildings places the system at risk with no defense.

I would like to share the attached report with Mr. Weeks and meet with him or the appropriate person on his staff to determine whether any of the items listed are scheduled for repair or replacement during the forthcoming school year. We should attempt to prioritize the repairs prior to the beginning of the season when the facilities will be used.

CC: Dr. William Brown
Dr. Allan Chin
Mr. Shelton Lee
Files (2)

Office of the
Deputy Superintendent

Division of
Safety and Security

Stanton School Annex
Naylor Road and Alabama Avenue, S.E. Washington, D.C. 20020

July 15, 1988

Memorandum To: Dr. Andrew E. Jenkins III
Superintendent of Schools

Through: Dr. William H. Brown
Deputy Superintendent

Mr. Shelton E. Lee
Director

Subject: Superintendent's Task on High School
Gymnasium and Athletic Field;
Assessment of.

The Safety Management Staff has completed an in-depth assessment as requested in Mr. Roosevelt Greer's, Special Assistant to the Superintendent for Athletics, memorandum of May 12, 1988.

The Safety Management Staff addressed those items of concern in the memorandum, although some of the items are not inherently safety items.

The attachment identifies those items which require immediate attention to provide a safe and healthful environment for students, employees and visitors.

The Safety Management Staff recognizes that vandalism has created many of these conditions. However, if no amelioration or attempt at amelioration is taken, DCPS could be placed in a high litigious position.

Dominic G. Angino

Dominic G. Angino
Safety Manager

DGA:ldp

Attachment

ANACOSTIA SENIOR HIGH SCHOOL

The following items should be abated to promote a safe and healthful environment:

1. The illumination levels in the gymnasium are poor. Repairs are required to be made on the circuit breaker to provide adequate voltage for the electrical system. The lamp covers should be secured properly to preclude them from being knocked down inadvertently.
2. The bleachers in the gymnasium are not secured to the walls as required. This presents a serious potential safety hazard to students, staff and visitors.
3. The electrical wiring to the scoreboard in the gymnasium is located on the floor surface. This poses a trip hazard to students, staff and visitors. The wiring should be relocated off the floor and comply with the electrical code.
4. The gymnasium floor requires work. It should be stripped and refinished to provide a safe playing surface for students. Lack of proper administrative controls create this type deterioration.
5. The mixing valve that controls the water temperature to the girls' showers should be repaired immediately. The girls' shower areas were extremely dirty. This area should be cleaned on a regular basis to prevent microbiological growth which appeared evident throughout at this time.
6. The players' benches in the team room are damaged and should be replaced.
7. The whirpool's water temperature cannot be controlled. This should be repaired to prevent accidental burns. This is a serious potential safety hazard.
8. Window replacements are required in the gymnasium. Some windows are missing or cracked in various areas.
9. The dividing sliding door in the gymnasium does not function. Repair work should be conducted on the track system to ensure the door closes without any jamming which could cause injury.
10. The boys' and girls' lockers are in deplorable condition and could cause serious injury. Immediate repairs/replacement is indicated.

11. The fire doors in the gymnasium do not work properly and should be repaired or replaced to provide safe egress from the gymnasium facility.

12. The ceiling in the gymnasium is composed of a suspect material (ASBESTOS). Bulk samples should be collected immediately to determine the composition of the ceiling surface. The ceiling has water damage in several locations which has significant potential for fiber release. Besides affecting large areas in relatively short periods of time, water leaks break down the binding materials that hold the fibers in a matrix, resulting in extremely friable, almost powdery materials, that become easily airborne with the least disturbance. This item is extremely critical and should be addressed as soon as possible. (Asbestos Control Unit notified)

13. The fence surrounding the football field and track facility needs repairing. The weeds in this area should be eradicated to prevent disease to students, staff and/or visitors.

14. The track surface is damaged and should be repaired to prevent accidental injuries to the students.

15. The football field needs top soil. The drainage covers should be secured properly to prevent injuries. This area has caused DCPS litigation in the past. Recommendations regarding the drainage covers were made at that time.

16. The football bleachers are damaged and should be replaced with aluminum bleachers to prevent splintering. These items were reported by this staff several years ago. Minimal repairs have been done. However, the situation requires more definite results.

17. The ticket booth has been vandalized and should be repaired. This is a situation that occur routinely. Greater security must be given in the area.

18. The players' benches on the football field are damaged and should be replaced or repaired.

BALLOU SENIOR HIGH SCHOOL

The following items should be corrected to promote a safe and healthful environment:

1. The washer and dryer should be repaired/replaced. When equipment is provided, it should be maintained to properly function at all times.

2. The whirlpool does not work and should be repaired. This is not a critical safety item but in modern athletics, such items have become standard and considered necessary for conditioning. Again, when equipment has been purchased, it should be maintained.

3. The football bleachers are damaged and split. Repairs should be made. Aluminum bleacher replacement should be considered.

4. The weight room has been allowed to deteriorate over the years. The universal weight equipment padding, etc., needs to be repaired/replaced. When such items are available, they should meet the required levels of standards and maintained at all times.

5. The ticket booth has been vandalized and should be repaired. Again, it is reiterated, this happens annually at most fields and requires greater administrative control.

6. Players' benches are needed on the football field.

7. The football field fence has been compromised in several locations and should be repaired. Fences are being compromised routinely.

8. The lockers are damaged in the varsity room. They should be repaired/replaced.

9. The mixing valves to the showers are not operating properly to control the temperature of the water. This is a serious factor. Scalding water can cause serious burns. Repairs should be made immediately.

10. Although this is not a safety item, the football scoreboard does not work properly. Consideration should be given to its maintenance for all concerned.

11. The football field needs to be re-sodded. Also, the drainage problem should be addressed. Serious injury can be precluded by proper sodding and drainage.

12. The gymnasium bleachers require a protective railing around the perimeter of the bleachers to protect students, staff and/or visitors from being exposed to possible falls. These bleachers have been addressed many times.

13. The weeds growing along the football fence should be eradicated, since they can carry irritants to all who are exposed.

14. The goal posts are damaged and should be replaced.

15. The padding in the wrestling room is damaged and should be repaired to prevent injuries.

CARDOZO SENIOR HIGH SCHOOL

The following items should be abated to promote a safe and healthful environment:

1. The athletic facility houses a whirlpool which requires repairing. As previously stated, equipment purchased should be maintained.

2. The basketball floors should be refinished for both boys and girls. The basketball goals need to be replaced also. Padding should be replaced behind the goals to prevent injuries. All these items are considered to be serious potential safety and health items.

3. The bleachers in the gymnasium are damaged and should be repaired or replaced. Splintered bleachers can cause serious injuries.

4. The basketball scoreboard does not work properly and should be repaired. This is not a safety concern but it should be addressed. To have an effective athletic program, working scoreboards are necessary.

5. The lockers are damaged and should be replaced or repaired to prevent injury. This is a critical factor.

6. The illumination levels in the pool facility are poor and should be corrected. The pool surface and surrounding surface require slip resistant paint to be applied on a periodic basis. This is always a potential safety hazard if not addressed promptly and routinely.

7. The running track is damaged and requires a new surface. The field events area i.e., the high jump pit, the long jump, etc., requires immediate attention. This area can cause serious injury.

8. The weight room which is located in the old wood shop requires, padding on the floor surface. Although this is not a safety or health item, they need additional weight equipment. Very little weight equipment was observed during the inspection. If DCPS wishes to provide such facilities, they should be properly equipped and maintained.

9. The water fountains in the gymnasium requires repairing . Low water pressure was observed. It was suggested several years ago to relocate water coolers outside, in place of water fountains within the gymnasium. Water fountains within the gymnasium have caused deterioration of the court surface due to leakage or water being spilled.

10. The football bleachers are damaged and should be replaced to prevent injuries. These items were addressed many times in the past.

11. The tennis courts need to be resurfaced.

12. The fence around the football field has been compromised in several locations. An automobile hit the gate and damaged it. Drug addicts use the area as a shooting gallery. This is a critical item and should be addressed as soon as possible.

13. The goal posts should be repaired or replaced as soon as possible.

14. The showers do not operate properly. Showers in such a facility should be operative at all times. This is a serious potential health hazard.

15. The ticket booth has been vandalized and should be-repaired. (See previous comments at other fields)

16. The football field needs to be re-sodded. This is a serious shortcoming at all DCPS fields. Serious injuries have occurred because of this condition.

17. The footbal scoreboard requires repairs. (Previous comments apply)

18. The locker room located at the football stadium has numerous leaks causing this area to deteriorate. Repairs have been required for several years.

COOLIDGE SENIOR HIGH SCHOOL

The following items should be abated to promote a safe and healthful environment:

1. The running track surface is damaged and should be replaced.

2. The football bleachers are splintering. They should be replaced or repaired to prevent injuries.

3. The drains around the football field are damaged. Drains can cause serious potential hazards. They should be repaired. Drains were the cause of a libel suit at Anacostia.

4. The protective railing around the gymnasium bleachers is not high enough to guard against accidental falls. Increase its height with midrails.

5. Two whirlpools are not working and should be repaired. This is not a safety item, however if such items are available, they should be maintained in good repair at all times.

6. The illumination in the gymnasium is poor. There are many bulbs that should be replaced. A moveable scaffold is required. (Such a scaffold as the one at Ballou would assist)

DUNBAR SENIOR HIGH SCHOOL

The following items should be corrected to promote a safe and healthful environment:

1. The athletic facility has two washers and dryers which do not function. Although no safety is inherent, when equipment is provided, it should be functional at all times.

2. The portable whirlpool does not work and it should be repaired. The comment above relative to safety applies.

3. The football bleachers are damaged and should be replaced, possibly with aluminum to prevent splintering.

4. The basketball court needs to be refinished. The rubber molding to the backboards need to be replaced. The motor to the backboards that maneuvers the goals does not work. These are items that require maintenance at all times.

5. The basketball bleachers are damaged and splintering. They should be repaired or replaced.

6. The basketball scoreboard does not work and should be repaired. (Previous comments regarding maintenance of all equipment apply)

7. The swimming pool facility requires prompt and extensive attention. The diving board is damaged. The starting blocks are damaged. The ceiling tiles need replacing. Conditions of this nature should not be permitted. Lack of proper administrative and maintenance control is indicated.

8. The lockers in the athletic facility are damaged and should be repaired. (Previous comments apply)

9. The running track needs to be replaced. The field equipment area requires replacement.

10. The football field needs to be re-sodded. There is also a drainage problem which should be addressed. Also, the original dirt supplied had too many rocks.

11. The shower facility for the boys and girls does not work properly. Repairs are needed. Properly working showers are a must for health.

12. The players' benches are damaged. They should be repaired to prevent injuries.

13. The illumination levels in the gymnasium are poor. They should be increased to proper levels. The Safety Management Branch can conduct an illumination survey.

14. The water fountains in the gymnasium do not work. It has been recommended that water coolers be available outside the gym. Water fountains within gymnasium courts should be disconnected.

15. The football fence has been compromised in several locations and should be repaired.

16. The goal posts require padding to prevent injuries to the players.

17. The tennis court posts are damaged and should be repaired.

18. The Athletic Director, Clarence Bell, complained about the light post in front of the stands. Elicits many complaints, this is not inherent safety issue.

EASTERN SENIOR HIGH SCHOOL

The following items should be corrected to promote a safe and healthful environment:

1. The washer and dryer are considered too small for the athletic facilities at this school. Although not a safety issue, consideration should be given to replacement based on need.

2. The whirlpool is not operational. This is not a safety issue but should be addressed. Equipment when purchased should be maintained and operational at all times.

3. The basketball court should be refinished to provide the necessary traction required for a basketball floor surface. This area was just recently renovated. Did the specification call for this?

4. The lockers are damaged and should be replaced or repaired. Was this area not under the renovation? Is vandalism the root cause?

5. The running track and field events require attention. The broad jump pit needs work. Poor drainage is exhibited in this area. Did the project manager miss out when accepted? This area was considered originally as not acceptable.

6. The weight equipment in the weight room needs repairs.

7. The shower facility is not operating properly and should be repaired. Were these showers repaired when the school was renovated?

8. The water pressure is extremely low to the fountains in the gymnasium area. Again consideration should be given to water coolers on the outside.

9. The posts on the tennis courts are damaged and should be repaired.

MCKINLEY SENIOR HIGH SCHOOL

The following items should be corrected to promote a safe and healthful environment:

1. The washer and dryer do not work. Possibly, replacement is indicated.

2. The temperature cannot be controlled on the whirlpool. It should be repaired to prevent accidental burns. This is a very serious potential health hazard.

3. The basketball bleachers pose a serious potential safety hazard. There is no railing on the outside perimeter of the bleachers which exposes spectators to a fall of approximately 20' to the floor surface. This is a critical item and should be addressed as soon as possible. The rail should be of proper height with midrails.

4. The basketball backboards are damaged and should be replaced.

5. The illumination levels in the gymnasium near center court are poor. An overall illumination survey should be conducted.

6. A water leak has damaged the basketball court in the gymnasium. The water leak should be repaired and then the court repaired.

7. The shower facilities are in dire need of repair and cleaning. It was evident that mold and mildew were prevalent throughout these facilities. Conditions of this type should never be observed. Microbiological health hazards exist within this facility.

8. The lockers are damaged and should be repaired or replaced.

9. The football room locker exhibited serious damage throughout. The windows, ceilings, players benches, all were damaged and should be repaired/replaced.

10. The water fountains in the gymnasium do not work. These water fountains should be abandoned and water coolers installed outside of the gymnasium area.

11. There should be an additional phone line in the gymnasium. In the event of an emergency, if someone has the line tied up at another location, this could be critical. This is not inherent a safety issue.

12. The football field needs to be re-sodded to alleviate holes throughout the field area. The drainage system also requires extensive repairs.

13. The running track surface needs to be replaced to prevent injuries. The field events area needs work also.

14. The electrical box that houses the wiring for the scoreboard should be moved to a more secure location. The scoreboard does not work due to an electrical problem.

15. The ticket booth cannot be secured. The booth requires complete renovation, and possibly be relocated.

16. The football field's restroom facilities require total renovation. This area could be utilized if repairs were made. Public restrooms could be installed in this area, thereby negating the need to keep the main school building open.

17. The football field's fence has been compromised in several locations. The weeds should be eradicated from this area also.

18. The seven man football sled is damaged and should be replaced with a new one to prevent unnecessary injuries.

19. The goal post are damaged and should be repaired.

20. The weight room requires repairs to the universal machines. The wrestling room has a damaged ceiling and wall which should be repaired.

21. While undergoing major repairs at this school, a more detailed report was submitted. (Attachment)

ROOSEVELT SENIOR HIGH SCHOOL

The following items should be corrected to promote a safe and healthful environment:

1. The washer and dryer need to be repaired. This situation should be addressed whenever equipment of this type is provided. They should be kept in good repair at all times.
2. The athletic facility houses two whirlpools, both are in need of repair. This is not a safety hazard but should be addressed as stated above. Whenever equipment is provided it should be properly maintained.
3. The football bleachers are damaged and should be replaced to prevent splintering, thereby causing injuries.
4. The roof leaks in the gym which has a direct impact on the floor surface. This should be repaired to prevent further damage to the floor surface. Once the leaks are repaired. then the floor requires resurfacing.
5. The basketball scoreboard needs repairing. This is not a safety item but should be addressed.
6. The basketball goal backboards are damaged and should be replaced.
7. The universal weights in the weight room need to be repaired to prevent accidental injuries. The water fountain does not work in the weight room. Whenever equipment is available, it should be maintained.
8. The swimming pool leaks and should be prepared.
9. The ticket booth needs to be renovated and relocated closer to the football stadium entrance.
10. The football's field fence has been compromised in several locations and should be repaired.
11. The goal posts are damaged and should be replaced.
12. The football field needs to be re-sodded.
13. The running track needs to be replaced. The field events area requires repairs also.
14. The tennis courts have been nonexistent for many years.
15. The players' benches are damaged and should be replaced or repaired to prevent injury.

16. The lockers are damaged and should be repaired or replaced to prevent possible injury.

SPINGARN SENIOR HIGH SCHOOL

The following items should be corrected to promote a safe and healthful environment:

1. The football field needs to be re-sodded. This field was addressed when litigation was initiated last year due to the condition of this field.

2. The goal posts are damaged and should be replaced.

3. The football blocking sleds are unsafe and should be replaced.

4. The lockers have jagged edges and exhibit moderate damage. They should be replaced.

5. The shower facility is not operating properly. The necessary repairs should be made.

6. The weight equipment in the weight room needs to be repaired or replaced.

7. The whirlpools are not working and should be replaced. This is not a safety item but when equipment is in place, it should be maintained.

8. The washer and dryer are not working. They are in deplorable condition and should be replaced.

9. The football bleachers have been condemned and should be replaced.

WOODROW WILSON SENIOR HIGH SCHOOL

The following items should be abated to promote a safe and healthful environment:

1. The athletic facility has no washer or dryer. This should be addressed as soon as possible to have control over inventory of uniforms, and also to provide sanitary standards inherently. This is not a safety issue but does impact on health needs.

2. The athletic facility houses two whirlpools, one needs to be repaired. This is not an immediate hazard but it should be addressed.

3. The gymnasium bleachers are not mounted to the wall. This poses a serious safety hazard and it should be repaired immediately. These bleachers were addressed by this office over four (4) years ago.

4. The shower facility requires repairs on the mixing valves to control the water temperature. Such mixing valves under control of instructors provide a margin of safety where students shower.

5. The basketball court is uneven and needs to be refinished.

6. The lockers are damaged and should be repaired or replaced.

7. The weight room needs adequate ventilation. A protective mat is needed for the floor surface and the weight equipment requires repairs/replacement.

8. The football bleachers are damaged in several locations and should be replaced.

9. The concrete foundation for the football bleachers has holes in several locations including deterioration to the steps. This is a serious safety hazard and should be addressed as soon as possible.

10. The drainage grate covers are missing on the football field. They should be replaced as soon as possible. A situation similar to this at Anacostia brought forth a libel suit.

11. The running track surface is damaged and needs to be replaced.

12. The field events area needs to be repaired, specifically where jumping takes place.

13. The football field needs to be re-sodded.

14. There are no tennis courts. A ticket booth is not provided either.

15. There are no goal posts on the football field.

16. The football fence has been damaged and should be repaired.

17. The water fountains in the gymnasium work but we received complaints about the taste of the water. These should be replaced by water coolers outside the area.

18. There are no players' benches available for the players.

H.D. WOODSON SENIOR HIGH SCHOOL

The following items should be corrected to promote a safe and healthful environment:

1. The Athletic Facility houses three (3) whirlpools. Two of the whirlpools need repairing. This particular item poses no immediate safety or health hazard.
2. The washer and dryer are in dire need of repair. This is essential to keep the athletic uniforms clean and in a sanitary condition.
3. The illumination in the gymnasium is poor and should be repaired. Uniformity is essential when replacing the light bulbs with the same wattage when they are replaced.
4. The water fountains need to be repaired in the gymnasium. This poses a serious health hazard during athletic events, gym class etc. Possibly these fountains should be abandoned and water coolers installed outside.
5. The gymnasium floor has buckled due to flooding in the area. The floor should be repaired if the flooding condition has not been corrected.
6. The gymnasium bleachers are damaged and should be repaired to reduce splintering.
7. The football field facility needs a ticket booth for athletic events.
8. The football field fence has been compromised and needs repair. A gate is needed at 55th Eads Street for emergency vehicles to response. This would cut down response time of the emergency vehicles.
9. The electrical outlets on the football field should be relocated to prevent possible injury to the athletes.
10. The weight room needs a protective mat on the floor surface. In addition, the weight machines need repairing.
11. The running track surface was repaired at an earlier date. Attention needs to be placed on the field events area, specifically the high jump area requires a longer pathway.
12. The football field needs to be re-sodded. In addition, the football scoreboard needs to be replaced.

13. The Athletic Director, Mr. Robert Headen, stated that the tennis courts were in good condition but they need additional courts.

14. The swimming pool's surface requires refinishing and painting with nonskid materials.

15. The football bleachers are split in several locations and should be repaired or replaced with aluminum bleachers.

Attachment

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

Office of the
Deputy Superintendent

Division of
Safety and Security

Stanton Annex
Naylor Road & Alabama Avenue, S.E. Washington, D.C. 20020

April 28, 1988

Memorandum To: Dr. Andrew E. Jenkins, III
Acting Superintendent of Schools

Subject: McKinley High School Athletic Field;
Safety and Health Survey

In response to your request of April 18, 1988, the Safety Management staff surveyed the athletic field on Wednesday, April 20, 1988.

The following potential safety and health hazards need to be addressed before this facility can be properly utilized:

1. The sprinkler system is no longer functional. There is a broken water pipe which creates flooding in one section of the field.
2. The field requires seeding, leveling and resodding to prevent foot and leg injuries.
3. The fence around the field should be repaired whenever necessary. This is more a security aspect than safety.
4. Landscaping, i.e., removal of trees and brushes around the fence is required.
5. Resodding of all sides to prevent soil corrosion is needed.
6. The electrical panel and its system for the score board and other electrical resources require a complete reinstallation.
7. Both bathrooms under the stands should be readied for use so that the main building is not required for use by fans and other visitors.
8. A storage building should be built behind one of the goal posts or some other area which will not interfere with the playing area.

Storage of baseball, track, football and other athletic gear is now jammed into the bathrooms, main building, and other areas.

9. One section of bleachers has its concrete base subsiding due to possible drainage problems. These bleachers should be repaired or placed off limits.

10. Some aluminum bleacher seats in other areas require replacement.

11. Concrete steps, railing supports and concrete in other areas are spaulding and require immediate repair and should be placed off-limits.

12. The metal nosing on all the concrete steps should be painted yellow for highlighting this potential tripping hazard.

13. The running track should be placed off-limits.

14. Security lights should be considered in certain areas as discussed with the Building Superintendent.

If you require any additional information, contact Mr. Dominic G. Angino on 767-8735.

Shelton E. Lee
Shelton E. Lee
Director

SEL:ndf

Office of Instruction

Health, Physical Education, Athletics and Safety

Lovejoy Elementary School
12th and D Streets, N.E. Washington, D.C. 20002

TO: SHELTON LEE
DIRECTOR, SECURITY

May 12, 1988

FROM: ROOSEVELT GREER
SPECIAL ASSISTANT TO THE
SUPERINTENDENT FOR ATHLETICS

SUBJECT: IMPLEMENTATION OF THE SUPERINTENDENT'S TASK FORCE REPORT ON INTERSCHOLASTIC ATHLETICS

Issue V of the "Task Force Report", Health, Safety and Equipment addresses the concerns related to the "...health and safety of our children because of inadequate, inappropriate and unsafe equipment and facilities..." Discussions with a number of principals, athletic directors, and coaches coupled with visits to view the athletic facilities at the high schools points to the need for a significant number of items to be repaired and a few items to be replaced. Following these discussions I developed - list of a representative number of items used by the schools in implementing their respective athletic programs and sent this list to each of the schools requesting them to identify those items in need of repair or replacement. Each of the schools responded with the exception of Ballou and Coolidge and I have listed below the items reported by the principals.

When we last met I discussed this survey with you and agreed to discuss the data with you and the safety manager on your staff and to work out a plan to identify those items that presented a hazard to the athletes and/or spectators. I have forwarded the results of the survey to Mr. Weeks (Buildings and Grounds) and asked for a meeting in order that we might be able to develop a schedule for repair and/or replacement. The identification of those items that presents a safety hazard would be helpful in establishing the proper priority for the repairs to be performed.

WASHING MACHINE AND DRYER	REPAIR	REPLACEMENT
Dunbar	X	
Eastern		X
McKinley	X	
Roosevelt	X	
Wilson		X
Woodson	X	

	REPAIR	REPLACEMENT
WHIRLPOOLS		
Cardozo	X	
Dunbar	X	
Eastern	X	
McKinley	X	
Roosevelt	X	
Spingarn		X
Wilson	X	
Woodson	X	
FOOTBALL BLEACHERS		
Anacostia	X	
Cardozo	X	
Dunbar	X	
Roosevelt	X	
Spingarn (condemned)		X
Wilson	X	
Woodson	X	
BASKETBALL COURTS		
Anacostia	X	
Cardozo		X
Dunbar	X	
Eastern	X	
Roosevelt	X	
Wilson	X	
Woodson	X	
BASKETBALL BLEACHERS		
Anacostia	X	
Dunbar	X	
Wilson (Condemned)		X
Woodson	X	
BASKETBALL SCOREBOARD		
Anacostia	X	
Cardozo	X	
Dunbar	X	
Roosevelt	X	
SWIMMING POOLS		
Dunbar	X	
Eastern		X
Roosevelt	X	
Wilson	X	
Woodson	X	

LOCKERS	REPAIR	REPLACEMENT
Cardozo	X	X
Dunbar	X	
Eastern	X	
McKinley	X	
Roosevelt	X	
Wilson	X	X
TRACK		
Anacostia	X	
Cardozo	X	
Dunbar	X	
Eastern	X	
McKinley	X	
Roosevelt		X
Wilson	X	
Woodson	X	
TRACK FIELD EVENTS		
Cardozo	X	
Dunbar	X	
Eastern	X	
McKinley		X
Roosevelt		X
Wilson	X	
Woodson	X	
WEIGHT ROOM		
Cardozo	X	
Eastern	X	
McKinley	X	
Roosevelt	X	
Spingarn		X
Wilson	X	
Woodson	X	
SHOWERS		
Cardozo	X	
Dunbar	X	
Eastern	X	
McKinley	X	
Wilson	X	
PLAYERS BENCHES		
Dunbar	x	
Roosevelt		X
Wilson		X

GYMNASIUM LIGHTS	REPAIR	REPLACEMENT
Anacostia	X	
Dunbar	X	
McKinley	X	
Woodson	X	
WATER FOUNTAINS		
Cardozo	X	
Eastern	X	
Dunbar	X	
McKinley		X
Roosevelt	X	
Wilson		X
Woodson		X
TICKET BOOTHS		
Cardozo	X	
Dunbar	X	
McKinley	X	
Roosevelt	X	
Woodson	X	
FOOTBALL FIELD FENCES		
Cardozo	X	
Dunbar	X	
McKinley	X	
Roosevelt	X	
Wilson	X	
Woodson	X	
FOOTBALL GOALPOSTS		
Cardozo	X	
Dunbar	X	
McKinley	X	
Roosevelt		X
Spingarn		X
Wilson	X	
TENNIS COURTS		
Cardozo	X	
Dunbar	X	
Eastern	X	
Roosevelt	X	
Wilson		X
Woodson	X	

Parents United for the D.C. Public Schools

1400 'Eye' Street, N.W. ▫ Suite 450 ▫ Washington, D.C. 20005 ▫ (202) 289-4988

SPORTS -- TEAMS AT MCKINLEY SENIOR HIGH SCHOOL VS. TYPICAL SUBURBAN HIGH SCHOOLS OF SIMILAR SIZE

	McKinley	Rockville	Marshall
Baseball - varsity	x	x	x
Baseball - JV		x	x
Basketball (Boys) - varsity	x	x	x
Basketball (Boys) - JV	x	x	x
Basketball (Girls) - varsity	x	x	x
Basketball (Girls) - JV		x	x
Cross Country	x(G)	x	x
Field Hockey		x	x
Field Hockey - JV			x
Football - varsity	x	x	x
Football - JV		x	x
Golf		x	x
Gymnastics		x	x
Indoor Track	x(G)	x	x
Soccer (Boys) - varsity		x	x
Soccer (Boys) - JV		x	x
Soccer (Girls) - varsity		x	
Soccer (Girls) - JV		x	
Softball	x		x
Swimming		x	x
Tennis (Boys)		x	x
Tennis (Girls)		x	x
Track	x(G)	x	x
Volleyball (Coed) - varsity		x	
Volleyball (Coed) - JV		x	
Volleyball (Girls) - varsity	x	x	
Volleyball (Girls) - JV		x	
Wrestling - varsity		x	x
Wrestling - JV		x	x

(G) = Girls only

Enrollment in year of listing: McKinley - 1268, Rockville - 1399, Marshall - 1365

Sources: DCPS; Student handbooks from Rockville & Marshall High School

BUDGET REQUEST FOR ATHLETICS FY '90

Non-Capital:	
Coaches Salaries:	
High School	$ 653,730
Junior High	438,480
Elementary	175,000
Full-Time Trainers for High Schools	220,000
Officiating	110,000
Repair of Football Bleachers	500,000
Replacement of Lockers	93,600
Gym Lights	1,000,000
Repair of Water Fountains	21,000
Maintenance & Cleaning Equipment	20,000
Tractors, Grass Cutters, Trailer	16,000
Replacement of Score Boards for Basketball & Football	99,000
Replacement of Floor Covers for Weight Rooms	11,000
Repair of Football Fields ($5,500/field)	60,500
Uniforms & Equipment--High Schools (per year over five years)	150,000
Uniforms & Equipment--Elementary and Junior Highs (per year over five years)	150,000
Subtotal:	3,718,310
Capital:	
Design of Four High School Tracks[1]	160,000
Design of Repairs to McKinley High[2]	150,000
Purchase of 10 buses	275,500
Basketball Courts - Refinishing Floors	200,000
Basketball stands	200,000
Subtotal:*	$ 985,500

* This estimate does not include the cost of all improvements necessary for Cardozo High School, which does not have a gymnasium. Nor does it include any request for capital repairs for the junior highs; the initial round of these repairs would cost approximately $3.5 million.

TOTAL: $4,703,810

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[1] The cost of the replacement of the tracks, which could occur in FY '91, would be $1 million.

[2] The cost of the actual repairs to McKinley would be approximately $1.5 million.

Table A

STIPENDS FOR EXTRA-CURRICULAR ACTIVITIES

Activity	Level	DCPS stipend	MCPS stipend	DC as % of MCPS	DC % less than MCPS
Safety patrol	ES	325	441	74%	26%
Band	JHS	400	700	57%	43%
Newspaper	JHS	400	700	57%	43%
Student government	JHS	400	700	57%	43%
Cheerleaders	JHS	400	1015	39%	61%
Yearbook	SHS	500	1575	32%	68%
Newspaper	SHS	500	1575	32%	68%
Student government	SHS	500	1750	29%	71%
Band	SHS	500	1575	32%	68%
Cheerleaders	SHS	500	1582	32%	68%
Softball, boys	JHS	770	714	108%	-8%
Softball, girls	JHS	770	714	108%	-8%
Track asst, coed	JHS	400	917	44%	56%
Basketball, boys	JHS	770	945	81%	19%
Basketball, girls	JHS	770	945	81%	19%
Track, girls	JHS	770	1008	76%	24%
Track, boys	JHS	770	1008	76%	24%
Swimming	SHS	1000	1274	78%	22%
Tennis, boys	SHS	1000	1519	66%	34%
Volleyball, girls	SHS	1200	1540	78%	22%
Soccer, boys	SHS	1000	1764	57%	43%
Track, coed	SHS	1200	1876	64%	36%
Baseball, boys	SHS	1200	2478	48%	52%
Basketball, boys	SHS	1200	2478	48%	52%
Basketball, girls	SHS	1200	2478	48%	52%
Football	SHS	1450	2534	57%	43%

Source: Stipend schedules, DCPS, MCPS

Parents United for the D.C. Public Schools

RECONCILIATION OF DCPS AND PARENTS UNITED PROPOSALS

DCPS Request:

	$1,500,000	Summer School
	$1,851,000	Pupil/Teacher Ratios
	$1,149,200	School Clerical Support
	$ 850,000	Athletics
	$ 855,800	Special Education
	293,200	Mentor Teacher
	$1,866,600	Writing to Read
	$ 655,700	Secondary Counselors
	$1,668,000	Pre-K Aids
	$1,161,500	Underfunded programs
Total	$11,851,000	

Parents United Proposal:

		Excluding DCPS Request
Athletic Program	$3.7 million	$2.85 million
Summer School	$4.0 million	$2.5 million
Early Childhood	$3.1 million	$1.432 million
Secondary School Counselors	.6557 million	0
Supplies	$1.5 million	$1.5 million
After-School Programs	$2.0 million	$2.0 million
Subtotal	$14.9557 million	$10.282 million
Offsetting Savings	$3.0 million	$3.00 million
TOTAL:	$11.9557 million	$7.282 million

$7.282 million + $11.851 million = $19.133 million

Mr. Gallo. I hate to cut you off but we are under the 5-minute rule. If anyone who would like to submit testimony, we would be pleased to make it part of the record. We have gone through extensive hearings with the Board of Education on these problems. Through your organization my staff viewed the problems of maintenance and things of that nature.

If you have one person to act as spokesperson, let him or her testify and then we will have to go vote.

Mr. Silberman. We will respect the wishes of the Chair. We had indicated months in advance that we would have several people representing our numerous membership across the city seeking to present testimony.

Mr. Gallo. I was not aware of that, but we have several people left who want to testify today, too. If you or one of the students who would like to speak representing the group, I would be——

STATEMENT OF LEWIS MAIDEN

Mr. Maiden. My name is Lewis Maiden. I participate in the Student Leadership Workshop Center Program. Under that program we practice and portray roles of the superintendents and assistant superintendents. I attend Durban High School. I would like to address the situation.

There are only a few problems occurring at my school which is lack of teacher that have emotional feelings or show emotional feelings or charisma toward the students. There are not enough updated books in the schools to compete against other schools. The gymnastic facility is in 100 percent shape but we don't use the facilities. Seventy-five percent of our books are advanced, they are in good shape. But we have chemistry labs, every floor in the school has chemistry labs and we only use it two or three times a year so that is a waste.

It is in fine shape but it is a waste. Why have it if you can't use it? Basically the school is in pretty good shape and the books are advanced.

Mr. Gallo. Let me say that you have done a good job representing the students. We will weigh the information that has come to us. Parents United has gone to a great deal of effort to bring this information together. I assure you that we will review this. I thank you for your testimony.

Mr. Regula.

MISMANAGEMENT

Mr. Regula. It seems to me part of the problem is mismanagement. You mentioned not enough stenographers for the principals but you have 15 employees, 5 in the classroom. That is heavy on nonteaching personnel, and there is improper utilization of people. You need to close buildings—I suppose that is a political problem—and do those things that are already recommended in the report by the D.C. Committee on Public Education.

TAXING AUTHORITY FOR BOARD OF EDUCATION

I have a question: In terms of management, would it be a better arrangement if the schools were independent of the City Council and the schools had their own taxing authority as is the case in most cities where the board members would be responsible only to the people and would in turn be the managers through the executive branch of the system?

Mr. Silberman. Each and every one of those points you raised was addressed by the D.C. Committee on Public Education.

IMPLEMENTATION OF EDUCATION REPORT

Mr. Regula. It is a good report. The implementation is the problem.

Mr. Silberman. I think we see the superintendent indicating that he plans to embrace this report virtually fully and we hope he can implement that.

Mr. Regula. What can he do to implement it?

Mr. Silberman. Particularly in dealing with appropriations, one of the key recommendations obviously and Mr. Kowalczyk is the staff director of the committee and he is here. Including savings from the type of redirection of resources that you are talking about, including that, it would cost about 12 percent more in operational funding than we are currently spending. This report recommends that that be shared jointly by the Federal Government and the city.

Mr. Regula. If we add $220 per student, we have no evidence that it wouldn't be mismanaged like a lot of money already has been. How can you give us that assurance? What guarantee can you give us that it will be used prudently and that it won't get frittered away with more people who don't teach and nepotism and whatever else ails the city's public school system?

Mr. Silberman. I could only answer that question by saying that to the extent that any appropriation has directive language in it as to what specific programs are to be funded, I think that clearly marks the use of those funds.

Beyond that, as to fraud, abuse, and waste and mismanagement, I don't know that we have any more control over any bureaucracy, whether it is the Pentagon, the school system or any other agency.

Mr. Regula. If you had an independent board at least they would be accountable.

Mr. Silberman. I think that is correct.

PREPARED STATEMENT OF DORIS JACKSON

Mr. Gallo. Thank you for your testimony. I would say, particularly to the students, if you would like to give us some written testimony, we would be happy to make it part of the record. I know everyone did not get an opportunity to speak. I apologize but we have to go vote now.

Mr. Gallo. I will declare a 5-minute recess.

[A brief recess was taken.]

[The statement follows:]

TESTIMONY OF MS. DORIS JACKSON
Joint House/Senate Hearing, D.C. Appropriations Subcommittees
July 19, 1989

Good afternoon. I am a counselor at Woodrow Wilson Senior High School in the District of Columbia Public Schools. I have been asked by Parents United to appear before you today to describe the work of secondary counselors in the D.C. Public Schools. Our job duties fall into two overall categories:

Developmental: academic matters and paperwork that counselors have always done, including class scheduling; college and career counseling; academic progress; class ranks; testing program (10 times per year, 14 tests); scholarship availability; consulting with teachers, administrators; parent workshops; graduate follow-up, profiles; managing peer counseling component; consulting with and making referrals to support personnel, i.e., school nurse, psychologist, special education personnel, attendance counselor, visiting instructors; monitoring attendance; maintainance of records.

Social/Psychological/Crisis Counseling: to assure that the students are emotionally and physically ready to learn. The need for this kind of counseling has increased enormously in recent years. It takes at least half my time and would require all my time and more if I were to meet the needs of the students. Student problems at Wilson are almost certainly fewer than at other District high schools, but those with which I have had to deal recently include:

Homelessness -- The whole family may be in a shelter; but most often the student has lost the love and support of parents through illness, neglect, death or immigration.

Drug involvement -- Students are involved themselves; others are coping with parents who are drug abusers.

Suicide attempts of parents or students.

Death and dying of parents and family members; friends lost to the drug war; prolonged illness of child or parent.

Sexuality and decision making on sexual activity and abstinence; birth control.

Teen-age pregnancy -- continuity of education; parenting skills; referrals for services; pre-natal care.

Family conflicts -- range of problems from minor to severe; family counseling.

Institutionalization -- students who have been hospitalized for psychological problems, incarcerated and are returning to the mainstream.

Abuse -- physical, verbal, sexual, emotional, neglect.

Crime and violence -- students as witnesses or directly involved.

I have worked as a counselor at all grade levels--elementary, junior high, and high school. I have never been responsible for fewer than 350 students at a time. Last year I had 386, as did the other counselors at Wilson. Having a caseload so heavy severely limits the opportunity for personal, continuing contact with students. Many slip through the cracks. They deal all by themselves with drug involvement, violence, abuse, and the other situations listed above.

I understand that on the average senior high school counselors in the D.C. Public Schools are responsible for 333 students, but that if the school system had the funds it is asking for counselors, our caseload would average 260. Given the problems our students face, that number is still far from ideal--but it would be a big help. Thank you.

THE WASHINGTON CENTER

STATEMENT OF WILLIAM BURKE, PRESIDENT, THE WASHINGTON CENTER

Mr. **CARR** [presiding]. I will call the committee to order. Our next witness is Mr. William Burke. Mr. Burke, welcome to the committee. Do you have a prepared statement?

Mr. **BURKE**. I passed out talking points.

Mr. **CARR**. The statement will be included in the record. And you may proceed.

Mr. **BURKE**. Thank you. Briefly, the Washington Center is a national program that assists universities across the country who want to send students here to intern in Congress and executive agencies. The center is an extension of these universities to provide the quality placement for the students, to provide quality faculty and to be cost effective and provide quality housing. The Washington Center has had no Federal money, is 83 percent funded by fees the students pay, and 17 percent funded by the private sector.

They have raised over $3 million in the private sector and the majority of that provides scholarships across the country. One of the major things the Washington Center needs is better housing for its students. Given that, when we came to this committee last session we were able to get through the Senate a $20 million loan guarantee and we were unsuccessful in conference last year.

It was mentioned by members of the committee on the House side that we should look potentially at a smaller amount of funds and an outlay rather than a loan guarantee. Some members felt uncomfortable with a loan guarantee.

There were also some questions raised as to how the private sector could be involved. So we have completed a capital campaign study showing the Washington Center should raise the $5 million from the private sector. We have listed the names of five corporations that will help us raise the minimum of $5 million to the cost of the $5 million bill. We are only seeking from Congress 20 percent of the facility that will be $5 million outlay.

We are requesting that over two sessions, 1990 and 1991. We have received and sent in letters from the committee, University of Nebraska, Texas Christian University, Washington and many others. We have received strong support from Members of Congress, Mr. Courter, Boehlert, Matsui, Congresswoman Boggs and others supportive of it. We look at it really as a partnership.

The universities have come into the program because of the quality of the program and because of the cost being as low as possible for the students. The private sector has participated extensively and has given us $3 million over the years and now is willing to raise an additional $5 million.

The total cost will be $25 million. For the remaining $15 million, we will put a mortgage on the building. As the Volcker Commission on Public Service stressed over and over, it is imperative that we encourage the brightest of our young people to come to Washington. They endorse whole-heartedly the idea of internships. We have tried to give young people access to the system and encourage them. We have a major emphasis on minority education. Our enrollment in the minority area has been 13 percent 3 and 2 years ago.

This past year we were able to climb over 15 percent. We have established a national campaign to raise these funds. I mentioned that some people on the private side have agreed to raise the money. In addition, Jimmy Carter said he would be honorary cochair. We have asked President Ford to be cochair. Mr. Hamilton has agreed to be cochair on the House Democratic side. We request $5 million outlay. It is a partnership. Two questions could be asked, why the D.C. budget, this would provide $25 million in construction jobs here in the District.

The Washington Center will most likely have to buy the land that we are looking at from the District of Columbia and our budget and what the students spend would provide close to $10 million economically to that community where we have the facility. The second thing, we did not go through authorization because of the timing on signing the contract with the developer but we have discussed in the last couple days with the chairman of the authorization committee. Mr. Dellums has discussed it with his staff and they are communicating directly to your staff, their opinion.

[The information follows:]

Burke

TALKING POINTS: THE WASHINGTON CENTER'S PROPOSAL FOR A FEDERAL GRANT TO BE INCLUDED IN THE APPROPRIATIONS COMMITTEE SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

- The Washington Center is the largest and only independent, nonprofit educational organization which enables college students to earn credit for academic internships and seminars in the nation's capital, serving more than 700 colleges and universities nationally.
- The Washington Center offers academic internships and seminars all year round following general semester or quarter schedules of colleges and universities.
- The Washington Center was founded in 1975. Since then, close to fourteen-thousand students, from over six-hundred colleges and universities nationwide, have participated in its programs. (See attached list of number of schools by state.)
- The Washington Center maintains a staff of forty-five at professional and support levels, and also employs adjunct faculty members.
- The Washington Center provides housing for its students. Most students live in Washington Center housing in the Woodner Apartments for the duration of their programs. Located at 3636 16th Street, NW, the Woodner is some distance away from the Capitol, the heart of many Washington Center activities. Generally speaking, the neighborhood is not the best. The Washington Center's Woodner lease will soon expire.
- The Woodner Apartments facility is woefully inadequate to the demands for student housing. Necessary support facilities, such as classroom space, are limited; and the students are scattered throughout a very large residential facility which limits the valuable interaction among participants that is so much a part of the internship experience.
- The Washington Center is seeking means to secure financing for the construction of its student housing and educational facility.

- This centrally located Washington Center educational and housing facility is for the use of all students from all states.

- Through a proposed amendment, the Center is requesting a $5-million federal grant over two years. The $5-million will provide 20 percent of the cost for the construction of this facility. The remaining 80 percent will be financed, from the private sector with matching grants and a conventional or below market mortgage.

- The Washington Center has never received federal support. Over the past thirteen years, the organization has sustained 80 percent of its operations through program and housing fees, and 20 percent through corporate and foundation grants used mainly to award merit or need-based scholarships.

- A centrally located Washington Center educational and housing facility will generate for the immediate community where the facility is located, an estimated annual revenue of $9.0 million from operation costs and students' incidental expenses.

NUMBER OF COLLEGES AND UNIVERSITIES WHICH HAVE PARTICIPATED IN THE WASHINGTON CENTER PROGRAMS (1975-1988)

(Total by State)

Alabama	13
Alaska	1
Arizona	4
Arkansas	4
California	49
Colorado	12
Connecticut	16
Delaware	2
District of Columbia	8
Florida	14
Georgia	16
Idaho	3
Illinois	31
Indiana	14
Iowa	21
Kansas	13
Kentucky	10
Louisiana	14
Maine	10
Maryland	16
Massachusetts	33
Michigan	26
Minnesota	17
Mississippi	7
Missouri	16
Montana	4
Nebraska	6
Nevada	2
New Hampshire	8
New Jersey	20
New Mexico	3
New York	72
North Carolina	24
North Dakota	3
Ohio	36
Oklahoma	9
Oregon	6
Pennsylvania	65
Rhode Island	6
South Carolina	15
South Dakota	7
Tennessee	14
Texas	38
Utah	4
Vermont	8
Virginia	20
Washington	14
West Virginia	8
Wisconsin	20
Wyoming	3

USE OF PRIVATE FUNDS

Mr. **Carr**. Thank you, Mr. Burke. I am a new member to this committee so I am not totally familiar with the history of your project.

Mr. **Burke**. We have reviewed it with your staff, sir, and institutions in the State of Michigan also.

Mr. **Carr**. What is the obstacle to raising the money in the private sector?

Mr. **Burke**. Are you asking why we could not raise it all? Given the aspect that these kids are going on a voluntary basis, we are developing leadership. Twenty-six percent of them are now working in the public sector and we are developing leadership. We have never sought Federal money. For the Government to take part of the project, I don't think is quite clear.

Mr. **Carr**. Just speaking philosophically, I don't know what I would do on this particular proposal but Congress gets asked to fund a variety of things because various Federal benefits are assigned to them. On the other hand, Congress did not ask that it be done initially.

It occurs to some of us sometimes that if Congress would have been part of the program to authorize this activity and it went through hearings and a deliberate decision was made that it was in the country's best interest to do this kind of thing and help you get founded in 1975, then your coming to us and asking for some help might be quite reasonable.

But Congress was not there on the take off and why should we be there on the landing?

Mr. **Burke**. My feeling all along, and my wife and I founded this was that we would not ask for congressional support. Our objective was to run the operation without support of taxpayers.

We have been able to do it for 15 years. The universities, nonprofit, and private sectors have been very involved. We are now at a stage where we have to improve the quality of housing and it is felt by our board of directors and others that asking Congress, the taxpayers for 20 percent of the project is quite reasonable.

If I could raise all that on the outside, there is no question. I have proven that for 15 years.

Mr. **Carr**. There is no question that you undoubtedly do very good things but still coming to Congress and asking the taxpayers to come up with funding based on the notion that you do good things, I mean there are a lot of groups out there that are doing good things but fall short in their budgets.

Are they going to come to Congress and say we do good things and it is in the national interest that these good things continue and, therefore, we have this delta we can't quite make and so we ask you to chip in.

Mr. **Regula**. Will you yield?

Mr. **Carr**. I will be glad to.

Mr. **Regula**. Were we in on the take off of Close Up?

Mr. **Carr**. I suspect not. I suspect there are a variety of things all over Congress like that. As I said to Mr. Burke this is nothing personal to him.

I just happen to be in the Chair right now and I get to ask the questions and make the comments. That is unfortunate for Mr. Burke.

Mr. **Regula**. We fund Close Up, that is the reason I mentioned it.

Mr. **Carr**. I know we do. There are a whole host of things that sort of get started. We don't start them but they run out of gas somewhere and need help.

Mr. **Burke**. We are not seeking support for operating or falling short. It is felt that if we are able to reduce the cost of this building that we have obviously less debt service to cover.

If we have less debt service to cover, we can make the program more cost effective for students all over the country.

The Washington Center represents over 300 different universities in all of the different States. They are clamoring for help. We are presenting their requests to the U.S. Congress. There are many letters that have been filed recently seeking that support.

We are really a coalition of these individual universities.

Mr. **Carr**. Your testimony will be made part of the record and we will review that. Thank you for your testimony.

Mr. **Burke**. Thank you.

ABORTIONS

STATEMENTS OF:

NELLIE J. GRAY, PRESIDENT, MARCH FOR LIFE
MIKE FOLEY, RIGHT TO LIFE

Mr. **Carr**. Our next witnesses are Nellie Gray and Michael Foley.

Ms. **Gray**. Mr. Chairman, I have a prepared statement and if it pleases the committee I would like to have it entered into the record.

Mr. **Carr**. Without objection, it will be made a part of the record.

STATEMENT OF NELLIE J. GRAY

Ms. **Gray**. Thank you, Mr. Chairman, for inviting us. I am here again as I have been many, many times before on the important issue of trying to save the lives of innocent preborn children. Our corporation and work is concerned with the inherent value and dignity of human lives. We feel the killing of preborn children is the most visible aspect of a lack of that dignity. I am here again to ask that the District of Columbia not be permitted to have millions of dollars to kill thousands of innocent preborn children.

I am very pleased to see that the *Webster* decision did come down and it repeated the words of the Supreme Court again that a government may indeed use its spending power to favor child birth over the killing of children.

I ask that what be done by this committee—there is no doubt whatsoever that an innocent child is in existence at fertilization and only one cell big and it simply grows until death. What happens really is the issue of when does that child's life end. It ends when the abortionist uses drugs and knives to kill that child. It is not legal because it is a crime against humanity and it is never dignified. These killings are not any more respectable than the killing of a 2-year-old toddler.

There is an equal value and dignity among born and preborn human beings. We have seen when that was denied by slave owners and Nazis that we had conflict and chaos throughout the world. Personhood is the issue. It vests at fertilization. We do not deny that personhood. We see persons using power, politics, and money making schemes, unfortunately killing unborn children is big business into the millions and millions of dollars.

We see people trying to protect their vested interest in that economic horror. We are asking, of course, that there be no killing of any of the children in the District without any exceptions whatsoever. Up until the fiscal 1989 budget this committee has given a blank check to the District of Columbia to spend as much money as they wanted to kill the children but we are very grateful that the Congress and the President last year stopped that practice.

The statistics are absolutely alarming in the District of Columbia. There are approximately 10,000 children killed by abortion and there are approximately 10,000 live births which means 1 life is killed for every child born alive. These children do not just die of disease. They are killed by drugs and knives by so-called doctors who have forgotten their Hippocratic oath. We need the language on my prepared statement on page 4 to say that no funds shall be used in the District of Columbia to kill the children.

Home rule is simply not an issue here. That issue of home rule I also have addressed on page 4, that it is in one's prerogative public or private to use money to kill the children. Home rule by this committee has been used as a device whereby some of the local moneys would be used to kill the children. You and I both know we do not have home rule in the District of Columbia and this committee is never shy about telling the Mayor and City Council how to spend moneys.

The saddest is the anomaly in here. Childrens' Hospital comes in and asks for money to help the children, children who need their lives protected and thank goodness this committee is going to give them some money and that is what we want you to do. But the answer to the problems that have been presented by the abortionists are that there are lots of problems.

The answer is don't kill them. That is not the answer to the problem. Don't kill the poor because their children are poor. The answer is to use the moneys available through this committee to treat drugs, stop drugs, get food, good housing and never, ever to use our tax dollars to kill innocent preborn children.

Therefore, I ask this subcommittee please to put forward as your report and to bring it to the full committee and the House floor so we don't have to go through the conflicts of going back and forth on this again, please stop the funding of this through the Congress and the executive department. Thank you very much.

[The statement follows:]

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Testimony of

Miss Nellie J. Gray

President, *MARCH FOR LIFE*

before

joint public hearings of the
House Appropriations SubCommittee and Senate Appropriations Subcommittee

on the District of Columbia

July 19, 1989

* * * * * * *

Messrs. Chairmen and Members of the SubCommittees,

I am Nellie J. Gray, President of the *MARCH FOR LIFE*, and also President of the *D. C. RIGHT TO LIFE COMMITTEE*, both of Washington, DC. Each of these corporations is a non-profit, non-partisan, and non-sectarian organization with the purpose of assuring that the value and dignity of each human being, born and preborn in existence when the father's sperm fertilizes the mother's ovum, shall be protected by the laws of our land. I am a full-time volunteer in the prolife movement, working with staff of volunteers.

I come again to you today because of our organizations' long-standing and deep concern that there is a depreciation of the inherent value and dignity of human beings, even supported by the action of our government through this Congress and these Committees. Yet, you have the power and authority to reaffirm the unalienable and paramount right to life of each human being and then to act to assure that our paramount right to life is protected, without any exceptions whatsoever.

The most prominent visible sign of callous disregard for the right to life in our Nation today is abortion -- the homicide of one born human being killing a preborn human being. Thus, this testimony is directed to the abomination of our country engaging in killing innocent defenseless preborn human beings, which is but the bloody tip of the gross mentality of reducing human beings to materialistic and disposable things.

Testimony, *MARCH FOR LIFE*, July 19, 1989

Messrs. Chairmen, I have testified before these SubCommittees many times before, and the substance of my testimony is the same -- stop using our tax dollars to kill our preborn brothers and sisters in our Nation's Capital. I am pleased, of course, that last year the Congress, with the aid of our President, cut off most of the public funds used to kill thousands of innocent preborn children in the District. It was good to see that the Supreme Court in the *Webster* case repeated its words of previous cases that the state has an interest in prenatal human beings and may, by its spending power, favor childbirth over abortion. I ask that you now follow that course, and cut off all public funds used to kill even one preborn child through this D. C. Appropriations Bill.

Because I have testified many times before, I will not repeat all of that testimony, and I respectfully ask these SubCommittees to please refer to my 1980 testimony for information on subjects such as: "Congress Cannot Compromise the Life of a Preborn Human Being," "Government's Role is to Protect not to Kill Human Beings," and "ProLifers Tire of Red Herrings!" Then, I would like to make a few points here for your consideration.

HUMANITY OF THE PREBORN CHILD AT FERTILIZATION -- KILLED BY ABORTION

My 1980 testimony and this today is based on the simple fact -- not opinion -- that each human being's life begins when the father's sperm fertilizes the mother's ovum, and at fertilization an unique human being exists who merely grows prenatally and postnatally until the time of death. The humanity of a preborn child at fertilization -- only one cell big -- is so well established in popular literature that anyone who continues to deny the humanity of a preborn child is engaging in intellectual dishonesty and culpable ignorance. That person is engaging in the same type of untenable arrogance as the slave-owner who denied the humanity of the black slave and the Nazi who denied the humanity of the non-Aryan.

And, abortion ends a child's life. Yes, we must understand that the abortionist's drugs and knives put into the body of a pregnant mother kills the preborn child, whose life did begin at fertilization. If the preborn child were not alive and growing, the abortionist would have no interest in using drugs and knives on the pregnant mother's body.

EQUAL VALUE OF BORN AND PREBORN HUMAN BEINGS -- PERSONHOOD

However, even if some abortionists recognize the humanity of a preborn human being, they want to engage in a "value" decision, by saying that the preborn human being is not a "person," with value and dignity equal to that of a born human being.

And, in stubbornly learning nothing from history, the abortionist is repeating the fatal errors of slave owners and Nazis. The abortionist is engaging in the same type of untenable conduct as the slave-owner who, for mercenary and personal and political reasons, chose to treat the slave as a sub-human; and the Nazi who chose to treat the non-Aryan as sub-human. The culpability of this conduct was established for all times in the principles laid down for the Nuremberg Trials -- namely, that there is *individual* responsibility for these crimes against humanity, because each man knows that he may not kill an innocent human being, even if he is "only a 'good soldier' following the commands of his superior."

Personhood is vested in each human being at fertilization -- our government does not bestow personhood on each of us; our government is charged with the responsibility of protecting the personhood of each born and preborn human being in equal measure. NO EXCEPTIONS; NO COMPROMISES.

PEOPLE OF ILL-WILL FORCE CONFLICT

The evil of killing preborn children by abortion continues in our country because the abortionists hear but defy the voices of defenders of the preborn children. Abortionists want to continue with their money-making evil as long as they can try to cover-up their evil killing and make it look like a "respectable service to women." Please note history. People of ill-will continued to use the slave as a slave and treat that black man as sub-human until the Abolitionists forced the freedom of all of the slaves. Nazis continued to kill non-Aryans until the Allied Forces forced the Nazis to stop their tyranny and killing.

And, Messrs. Chairmen, I can assure you that the prolife movement shall stop the killing of even one innocent preborn child, and thereby also stop the trauma inflicted on that child's mother and father and our country. It would be well if your SubCommittees look to history and see that those who treated human beings as less than human created conflicts which they could not and did not win. People of good-will finally can tolerate no more of the horror of killing innocent human beings, and they rise to the defense of the human victims. That is what we saw when slavery was ended, the Holocaust was ended, and that is what you are seeing as prolife Americans rise up to end the horror of slaughtering preborn children in our country.

Thus, Messrs. Chairmen, I am here today to ask you to do what you can to stop the conflict. And, that is for you to assure that not even one penny of tax dollars is used to kill preborn children in the District of Columbia, the world capital of freedom. And, further, I ask that you not contribute to the conflict, as was done last year, by defying the will of the majority of the House and the position of the President to cut off public funds used to kill preborn human beings in our Nation's Capital.

HORROR IN THE DISTRICT OF COLUMBIA -- OUR NATION'S CAPITAL

Until FY-89, Messrs. Chairmen, the Congress and the President wrote a blank check to the government of the District of Columbia, so that our government had unlimited funds to kill as many preborn children as they wished.

And, then there is more of culpable ignorance, because these SubCommittees do not even want to require an accounting of how the deadly dollars were spent -- how many children were killed with the tax dollars you appropriated? how many abortionists, hospitals and abortatoria got how many tax dollars each? Each year I have asked the House SubCommittee Chairman to get those figures for this record, as a matter of routine accountability and oversight for spending tax dollars. You still do not have those figures. Therefore, I have done the best I can as a volunteer, without your paid staff and power of public office. With my testimony last year, I included the names and addresses of abortionists who had been paid with tax dollars by the District government for killing preborn children. I expect you, Messrs. Chairmen, to update those data as a matter of carrying out your duty to account for the use of tax dollars.

I attach to this testimony Statistical Note 78, dated November, 1988, prepared by the D.C. Department of Human Services, which reports that almost 10,000 unjustifiable homicides of preborn children occurred among DC residents during 1987. This is a 4 percent increase over the 1986 totals. Live births were also about 10,000, which means that one preborn child was killed by abortion for each preborn child permitted to be born alive.

Remember, the preborn children are not just dying, they are being killed in abortatoria by people who are slaughtering innocent human beings under the cloak of respectability of the medical professions. This continues to happen because the media does not report what a preborn child looks like after abortionists have exercised their "choice" to kill, and because these SubCommittees will not look at abortion for the killing and horror that it is.

WHAT IS NEEDED BY THESE SUB-COMMITTEES -- LANGUAGE FOR PROLIFE CARE

I am urging your SubCommittees to do what is right, proper and ordinary: just stop the use of any public moneys for killing preborn children, and use our public moneys to assure that the District of Columbia provides equal care and protection for both the mother and her preborn child.

Equal care for mother and child is merely what the medical profession is charged to do as a matter of good medical care. Therefore, to tell the medical profession to do its duty is not a matter of legislating on an appropriations bill. It is only a restatement of ordinary and reasonable care, and is used to be explicit and not vague in telling doctors that they may not kill preborn children in the District of Columbia. Suitable language for this D.C.Appropriations Bill is:

> *None of the funds provided in this Act shall be used to perform abortions, and funds are appropriated for medical services necessary to prevent the death of a pregnant woman or her preborn child so long as every reasonable effort is made to preserve the life of each.*
>
> (NOTE: Attached is an article from the *1985 MARCH FOR LIFE Program Journal*, giving more details of the "Equal Care and Protection Provisions" to assure that proper medical services are provided for both a pregnant woman and her preborn child.)

HOME RULE IS NOT THE ISSUE

Heretofore, these SubCommittees have been trying to promote "Home Rule" as the reason that it will not tell the District of Columbia government what to do with "their" money. Does each member of these SubCommittees really want to go on record as stating that he is an impotent rubber stamp, who will appropriate public dollars exactly as the District tells them to do? Of course not. Members of these SubCommittees are grown men, who are professionals, and who are elected public servants. You should know that you are the District's full and complete Fiscal authority -- YOU give all public moneys to the District of Columbia. You must decide not to use public moneys to kill preborn children.

Here again, we are in the area of intellectual dishonesty and culpable ignorance when this untenable "Home Rule" issue is used by Members of Congress to hide behind their own wish to use public dollars to kill preborn children. It is arbitrary and unseemly to use the notion of Home Rule when you want to give moneys to kill preborn children, and ignore Home Rule when you want to control the City Council's and Mayor's spending habits in the District of Columbia. Members of these SubCommittees tell the Mayor of the District of Columbia how many chauffeurs he may have, where and when to build the Jail and Convention Center, and when not to use taxi meters -- all of this is done with the Appropriations Bill. Thus, these SubCommittees also have the responsibility to assure that innocent preborn children shall not be killed with public dollars in the District of Columbia, and that those preborn children's mothers and fathers shall not be traumatized by abortion.

The Congress uses the power of the purse to dictate and enforce on sovereign nations our own country's policy of respecting human rights. Thus, it is untenable to use the notion of "Home Rule" as a reason to permit the DC government in our Nation's Capital to violate the most basic human right, our unalienable and paramount right to life.

PROLIFERS'S SADNESS

We prolifers are very saddened that elected officials in the United States Congress will run our Nation's Capital in such a way as to assure that innocent preborn human beings are killed here in record numbers.

We prolifers are very saddened that we cannot rely on adult, professional public servants to protect preborn children and their mothers and fathers. We are saddened that we have brought this information about the horrors of abortion to you many times, and, yet, you have ears which do not hear and eyes which do not see and wills which do not respond to the "SILENT SCREAM" of children being killed and women whose bodies are violated in the most grotesque way and fathers who are denied rights of paternity.

The Anomaly is that these same Appropriations Committees provide funds for the "Holocaust" memorial, so that all of America can understand the horror of the Nazis and we can act responsibly to assure that "it shall never happen again." Yet, it is happening again, right here, and our Congress is accommodating and perpetrating the "American Abortion Holocaust." The Anomaly is that members of these SubCommittees will vote for commercial sanctions on a sovereign nation for its inhumane treatment of its own citizens, and will vote economic favors for abortionists in our Nation's capital to kill thousands of innocent and defenseless preborn children. Are these anomalies the product of responsible adult men, professionals, or thinking and caring public servants. No. Rather, these anomalies bring into serious question the credibility and professionalism of elected public servants who perpetrate anomalies.

Prolifers' sadness comes because we must ask the question: "Why must we prolife volunteers bring these anomalies to the attention of Members of these SubCommittees and Members of Congress? Why cannot each Member act like adult, professionals, and good public servants and stop giving public tax dollars to kill preborn children? Why do Members of Congress, in accommodating abortionists, want to force conflict with policy and action which they know is wrong? It is crimes against humanity to kill preborn human beings and everyone knows it, and the Nuremberg Trials reiterated it. Why will Members of Congress not act responsibly and provide equal care and protection for born and preborn human beings, without forcing prolifers to constantly remind Members of Congress to act responsibly and save preborn children, their mothers and fathers and our country.

Messrs. Chairman, I ask that you act properly and cut off all public funds for killing preborn children in the District of Columbia.

Respectfully submitted,

Nellie Gray

Miss Nellie J. Gray
President
MARCH FOR LIFE
July 19, 1989

STATISTICAL NOTE 78

INDUCED TERMINATIONS OF PREGNANCY (ABORTIONS)
IN THE DISTRICT OF COLUMBIA
FOR 1987

Prepared by:

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Government of the District of Columbia
Marion Barry Jr., Mayor
November, 1988

INDUCED TERMINATIONS OF PREGNANCY (ABORTIONS) IN THE DISTRICT OF COLUMBIA: 1987

by Sara T. Glendinning

The number of abortions performed in the District of Columbia in 1987 and reported to the D.C. Department of Human Services (DHS) was 20,879, 5 percent more than the 19,942 abortions reported in 1986. There were 319 more abortions reported for D.C. residents in 1987 than in 1986. When the 1986 and 1987 residence "not stated" cases are distributed according to the reported residence proportions, the number of abortions performed in the District on D.C. residents increased 4 percent between 1986 and 1987.

In 1987, the percentage of pregnancies (abortions plus live births) for D.C. residents terminated by abortion was 50.6*, a 1.2 percent increase from the 1986 percentage of 50.0*.

The abortion rate (abortions per 1,000 females 15-44 years of age) for D.C. residents increased from 59.1* in 1986 to 61.6* in 1987, a 4 percent increase. This rate had been declining each year from 1980 to 1985. At the same time, the fertility rate (births per 1,000 females 15-44 years of age) has increased from 54.5 in 1980 to 60.0 in 1987.

Abortions in the District of Columbia are reported to DHS on a voluntary basis by hospitals and free-standing clinics. Their reports are confidential and DHS does not provide data on individual hospitals and clinics. In 1987, pregnancy termination reports were received from 15 facilities. DHS does not receive reports on abortions performed in physician's offices and those abortions are not included in the 20,879 total. Nationally in 1980, 4 percent of abortions were performed in physician's offices. If it is assumed that 4 percent of abortions in D.C. were performed in physician's offices in 1987, the total number of abortions performed that year would be 21,749.

Tables 2 thru 11 show the frequency distributions of various items. Cross tabulations of these items are not possible with the current reporting system as data are now reported in an aggregated form rather than on each individual abortion. Some items of interest are:

. Half of the women obtaining abortions in the District were residents of the District of Columbia and almost one-third were residents of Maryland.

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*In these computations 1986 and 1987 "not stated" cases were distributed according to the proportion of reported residence.

. Of the abortions reported in the District in 1987, 23.6 percent were to women under 20 years of age and 55.7 percent were to women under age 25. According to a report by the National Center for Health Statistics (NCHS)*, 25.5 percent of the abortions in 1984 reported by 13 states were to women under age 20 and 60.3 percent were to women under age 25. In 1987, 23.2 percent of District residents obtaining abortions in the District of Columbia were under 20 years of age and 55.5 percent were under age 25.

. More than four-fifths (83 percent) of the women obtaining an abortion in D.C. were not currently married and two-thirds (68.5 percent) had never been married. In the NCHS report, 78.1 percent of the women were unmarried.

. In D.C., 49.2 percent of the women obtaining abortions in 1987 reported they had not had a prior abortion while the NCHS report showed 58.8 percent of the women had no prior abortion. Almost one-fifth (19.9 percent) of the women receiving abortions in D.C. in 1987 reported having had two or more previous abortions. The percentage of women reporting one or more previous abortions increased in the District in 1987 after decreasing in 1986 as shown below:

Year	Percent Reporting Previous Abortions
1987	51
1986	49
1985	54
1984	48
1983	47
1982	44
1981	38
1980	32
1974	21

. Most of the women receiving an abortion in D.C. (98.2 percent) were outpatients and suction curettage was the primary method of abortion in 98.2 percent of the cases.

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*National Center for Health Statistics: Induced Terminations of Pregnancy: Reporting States, 1984. Monthly Vital Statistics Report, Volume 36, No. 5, Supplement (2), September 8, 1987.

- 53.4 percent of the abortions performed in the District were under 9 weeks gestation and 89.8 percent were less than 13 weeks gestation. The NCHS report shows 46.7 percent under 9 weeks and 89.5 percent less than 13 weeks gestation.

- Complications were indicated on the reporting forms for one percent of the 1987 abortions in the District and for less than one percent of the abortions in the NCHS report. Only 0.3 percent (64) of the women receiving abortions in the District of Columbia in 1987 were reported to have been hospitalized due to complications resulting from their abortions.

The voluntary system of reporting abortions results in incomplete reporting and therefore incomplete statistics. DHS is recommending mandatory reporting of all pregnancy terminations. More than two-thirds of the states currently require the reporting of abortions.

DHS is absolutely committed to the principles of confidentiality and protecting each individual's right to privacy. It is recommended that the National Center for Health Statistics' U.S. Standard Report of Induced Termination of Pregnancy be utilized to collect abortion data in the District of Columbia. This report does not require the reporting of patients' names or any other information which would threaten their privacy. Mandatory reporting of pregnancy terminations will enable DHS to better inform the public on trends in births and abortions and will improve the department's ability to plan the delivery of health and family planning services.

Table 1.--INDUCED ABORTIONS: TOTAL AND D.C. RESIDENTS, 1973-1987

	Abortions	
Year	Total	D.C. Residents
1987	20,879	9,836
1986	19,942	9,517
1985	19,541	8,627
1984	23,132	11,266
1983	22,867	11,775
1982	24,207	12,350
1981	25,952	13,014
1980	27,183	13,809
1979	28,694	13,611
1978	29,786	13,350
1977	29,545	12,718
1976	31,407	12,945
1975	31,519	13,621
1974	33,010	12,080
1973	40,812	10,019

Table 2.--ABORTIONS BY RESIDENCE, 1987

Residence	Number	Percent
Total	19,663*	100.0
District of Columbia	9,836	50.0
Maryland	6,394	32.5
Virginia	2,965	15.1
Other	468	2.4

*Does not include 1,216 abortions with unstated residence.

Table 3.--ABORTIONS BY AGE AND RESIDENCE, 1987

Age (in years)	Total	District of Columbia	Maryland	Virginia	Other States	Not Stated
Total	20,879	9,836	6,394	2,965	468	1,216
Under 15	453	276	143	25	8	1
15 - 19	4,107	1,974	1,365	672	88	8
20 - 24	6,189	3,134	1,948	917	179	11
25 - 29	4,254	2,301	1,289	583	78	3
30 - 34	2,707	1,257	1,007	384	56	3
35 - 39	1,284	630	425	199	29	1
40 - 44	279	118	106	51	4	-
45 and over	23	12	7	4	-	-
Not stated	1,583	134	104	130	26	1,189

Table 4.--ABORTIONS BY MARITAL STATUS, 1987

Marital Status	Number	Percent
Total	18,913*	100.0
Never Married	12,955	68.5
Currently Married	3,215	17.0
Separated	1,293	6.8
Divorced	1,212	6.4
Widowed	238	1.3

*Does not include 1,966 abortions with unstated marital status.

Table 5.--ABORTIONS BY RACE, 1987

Race	Number	Percent
Total	19,628*	100.0
Black	12,127	61.8
White	5,522	28.1
Other	1,979	10.1

*Does not include 1,251 abortions with unstated race.

Table 6.--ABORTIONS BY NUMBER OF PREVIOUS ABORTIONS, 1987

Previous Abortions	Number	Percent
Total	19,204*	100.0
None	9,439	49.2
One	5,940	30.9
Two	2,721	14.2
Three or More	1,104	5.7

*Does not include 1,675 abortions with unstated number of previous abortions.

Table 7.--ABORTIONS BY TYPE OF PATIENT, 1987

Type	Number	Percent
Total	20,123*	100.0
Inpatient	369	1.8
Outpatient	19,754	98.2

*Does not include 756 abortions with unstated type of patient.

Table 8.--ABORTIONS BY PRIMARY METHOD, 1987

Primary Method	Number	Percent
Total	20,123*	100.0
Suction Curettage	19,771	98.2
Saline Injection	295	1.5
Sharp Curettage	36	0.2
Other Methods	21	0.1

*Does not include 756 abortions with unstated primary method of abortion.

Table 9.--ABORTIONS BY LENGTH OF GESTATION, 1987

Gestation (in weeks)	Number	Percent
Total	19,386*	100.0
Under 9	10,351	53.4
9 - 10	4,620	23.8
11 - 12	2,438	12.6
13 - 15	1,303	6.7
16 - 19	635	3.3
20 or more	39	0.2

*Does not include 1,493 abortions with unstated length of gestation.

Table 10.--ABORTIONS BY COMPLICATIONS, 1987

Complications	Number	Percent
Total	18,364*	100.0
Total Complications	202	1.1
Resulting in Hospitalization	64	0.3
Resulting in Death	-	-
Other	138	0.8
No Complications	18,162	98.9

*Does not include 2,515 abortions where complications were not stated.

Table 11.--ABORTIONS BY MONTH, 1987

Month	Number	Percent
Total	20,123*	100.0
January	1,898	9.4
February	1,950	9.7
March	2,005	10.0
April	1,596	7.9
May	1,743	8.7
June	1,580	7.9
July	1,556	7.7
August	1,613	8.0
September	1,434	7.1
October	1,699	8.5
November	1,418	7.0
December	1,631	8.1

*Does not include 756 abortions performed at one hospital in the District of Columbia in 1987. This hospital did not provide data on the number of abortions performed by month.

Equal Care for Mother and Preborn Child — No Exceptions!

The only way that the abortionists can hang on to wholesale abortion in our country is to be sure that they can hang on to at least "a little bit of abortion," which they can parlay into an argument that, after all, abortion *is* respectable, needed, acceptable, favored by the majority of the citizens, and should be available for all women.

Thus, the only way to stop abortion is to stop it! No exceptions!

Abortionists have cleverly pleaded for favoring the life of the mother over the life of a fetus, and this unfounded conflict of interest between mother and child, has found favor even with some people operating in the name of right-to-life. Usually, this takes the form of: "no abortions except to save the life of the mother." Unfortunately, this phrase has found its way into legislation passed by Congress to stop abortions and the public funding, thereof. The abortionists were eager to see this one exception, and then began to add more exceptions for rape, incest, deformed fetus, and on and on, until there was no stopping of abortion, at all.

The "exceptions clause for the life of the mother" has been very damaging, because some Members of Congress now believe that such statutory langage is absolutely necessary to save the mother, inasmuch as it is in some important pieces of prolife legislation. This "exceptions clause" must be removed and replaced with the proper prolife "equal care and protection for both the mother and her preborn child."

How Did the "Exceptions Clause" Error Begin

Many men in Congress — husbands and fathers, all — do not want to endorse any legislative measure which might, in any way, be responsible for a woman dying in childbirth. The concern of these men is real; it is genuine; it is not concocted as a political ploy to find loopholes to authorize abortion. When these men hear the prolifers say: "No abortions NO EXCEPTIONS! NO COMPROMISE!" they think of a woman trying to give birth, no one helping her, and her finally dying of exhaustion and pain. This mental image comes from the false reporting that if there was a decision to be made between the life of the mother and the life of her preborn child, the doctor must try to save the child and let the mother die. A husband generally would want to choose to save the life of the mother, because he loved his wife so much — she was real, alive and known, whereas the preborn baby was unknown. In addition, he reasoned, she was needed to care for the other born children, and there would be the possibility that the parents could have more children. But, would a husband make this same choice of wife over son or daughter if the child were one year old, or seven, or 14. Of course, not — the father would try to save both his wife and his children in equal measure. He can also try to save his wife and preborn child in equal measure.

In the 1800's, if the mother were having problems delivering her child — if, for instance, the baby's head was too large for the birth canal — the doctor would crush the baby's skull and deliver a dead baby to save the life of the mother. Thus, we still hear the phrase: "no abortions, except to save the life of the mother." But, killing babies was wrong in the 1800's, and moralists said so. In response, the doctors learned how *not* to kill babies — they discovered, for instance, the caesarean section and many other medical techniques, which are available today to try to save both the mother and her preborn child.

While a man's concern to save the life of the mother is real and genuine, it is highly misplaced when it dictates that he will not support prolife legislation unless there is a specific "exceptions clause" to "save the life of the mother." Prolifers are just as concerned about the life of the mother as is any legislator, and have spent many hours of volunteer time assisting pregnant mothers and their preborn children, both before and after birth. We are also at our phones 24-hours a day, and often help the mother who has had an abortion and is agonizing over the hell of that abortion. We have also listened to the cry for help from a father who is trying to save his preborn child from death by the abortionist. Prolifers have answered the phone and heard this agony which comes from abortion. We prolifers do the best we can to help. But, we know from experience that the only help is Constitutional protection for both the mother and her preborn child. It is this equal protection which we prolifers are trying to bring about in our country.

Equal Care for Mother and Preborn Child

Prolifers are acutely aware that the mother and her child have a value and dignity of life which is equal — the mother and preborn child are two separate and distinct human beings. The facts are readily available to us today to show clearly that the life of the preborn child begins at fertilization, and, therefore, society must preserve and protect both the mother and her preborn child in equal measure before the law of our land — from the very moment of fertilization. There is no justification for killing either a mother, or her preborn child to save the life or health of the other — or, for any other reasons advanced so cleverly and forcefully by abortionists.

It is a disservice to prolifers to presume that they do not care about and will not protect the life and well-being of a pregnant mother, and would give preference to the life of one human being, while, cold-heartedly leaving another to die or be killed.

Please note that the comments, above, are directed toward a *man's* concern, because it is different from that of a *woman* We see that a man's concern is to save, first, the life of the pregnant mother, even to the extent of permitting, by law, that a preborn child could be killed to save the life of the mother. A woman's first concern is for the life and well-being of the preborn child — a true, real, alive, existing child of her and her husband. This difference in priority and concerns need not continue. Any conflict which might exist between the concern of the man and the woman for the wellbeing first of either the mother or preborn child can be resolved by us, as a Nation, assuring that equal care and protection will be provided for both the mother and her preborn child.

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Therefore, we prolifers reject the "exceptions clause," which is not an assurance to save a mother, but is, indeed, an obstacle to providing the necessary "equal care and protection" for both the mother and her preborn child.

Guidance in Law of Man and Law of God.

The guidance for the principle of equal care and protection for mother and preborn child is provided by important sources upon which we can rely with confidence:

— Guidance for each human being comes from the Law of Man — from our innate common sense that each innocent human being, born and preborn, must have equal protection by the Constitution or no one is protected, because the strong will prey on the weak. We understand that the reason a society, collectively, protects each human being is to maintain a well-ordered society, because when there is discrimination against one class of human beings, there is chaos in the society. America experienced that chaos when slaves were counted as only three-fifths man and two-fifths property. Conflict and dissent was not overcome and peace restored until all human beings — black and white — were free in our land, without any exceptions.

— Guidance for each human being comes from the Law of God: "Thou Shalt Not Kill."

— Guidance for each American comes from our precious heritage: The Declaration of Independence: "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness*...." Our Constitution provides: *No person shall be ... deprived of life ... without due process of law*...."

— Guidance for each prolifer is in the *Life Principles*, which provide: *When two or more human beings are in a situation in which their lives are mutually endangered, all available ordinary means and reasonable efforts shall be used to preserve and protect the life of each and every human being so endangered.*

PLEASE NOTE: All of this guidance — from man and his common sense; from God's commandments; from American governing documents, from the prolife principles — all of this guidance tells us to give equal care and protection to each mother and her preborn child.

Error of the "Exceptions Clause"

The errors of the provision: "no abortions, except to save the life of the mother" are many. The most significant, of course, is that it states, improperly, that the life of a born adult is more valuable than that of a preborn child. The provision "no abortion except to save the life of the mother," in legislation, gives explicit authority for an abortionist to kill a preborn child with impunity, and, thereby, creates a legal loophole through which it is impossible to save the life of *both* the mother and her child. When the one loophole is created, experience in Congress over the past decade has shown that more loopholes follow until it is impossible to save *either* the mother or her preborn child.

The prolife position is that each human being, born and preborn from the moment of fertilization, is a person to be protected in equal measure by the Constitution. If follows that we, as individuals and as a society, shall exert efforts to try to save each human being who may be endangered, whether the critical situation is one of shipwreck, auto accident, pregnancy, air crash, burning building, chemical explosion, flood, or whatever. And, we shall *not* designate in any piece of legislation whose life is more valuable and who should be given care first, over and above any other human being. In any critical situation, unfortunately, some one may die and other live, despite our best efforts and fine medicine today. We do not fear death, which is part of life, and which we cannot control. We shall, however, legislate against the *killing* of innocent human beings, born and preborn. Thus, prolifers reject the proposition: "no abortions, except to save the life of the mother." We shall not let legislation designate that the life of either the mother or the preborn child shall take precedence over the life of the other. We shall attempt in this society of God-loving-God-fearing human beings to provide equal care and protection to each born and preborn among us.

It is error for anyone operating in the name of right-to-life to lobby for or accept an "exception" to permit an abortionist to kill any preborn human being, because it falsely indicates that an "exceptions clause" is proper, desirable, and "necessary" from a prolife point of view, which it is not. It is error because it fails to inform a member of Congress that the prolife "no exceptions" position is not a callous disregard for the life of the mother, but is a proper statement that the life of the mother and preborn child shall have equal care, with medical efforts to save the life of both the mother and child.

There are some indications on Capitol Hill of efforts to codify this error of the "exceptions clause" into some type of permanent legislation. Such efforts would be unfortunate, indeed, for innocent preborn babies, because if one "exceptions clause" is put into legislation, more will follow, and we shall be able to save none of the babies. We hear some comments that the "exceptions clause" in legislation is not too bad, and we can change it when we get to the Human Life Amendment. Now is the time to change, and be sure that the "exceptions clause" is not put in either legislation or in a Human Life Amendment. This is a matter of trying to save just as many babies as prolifers can — we shall have the right legislation to save all of the babies, now, so we prolifers can get on with our lives. This prolife job can be done quickly if we do it right and do it right now.

Anyone lobbying for or accepting an "exceptions clause" in the name of right-to-life does a grave disservice to a Member of Congress and prolife legislative work, to the efforts of providing equal care for both mother and preborn child, and to the work of thousands of grassroots prolife American volunteers. Grassroots prolifers shall exert strenuous efforts to assure that such lobbying errors in the name of right-to-life do not continue in 1985. We have good statutory language which provides for equal care for both mother and child, and we shall work to have that language made a part of all prolife legislation before the Congress.

Equal Care for Mother and Child

The grassroots prolife Americans not only have rejected the "exceptions clause" as error, but also have developed a principle, and statutory language to implement that principle of equal care for mother and child.

We prolifers support an "equal care" provision, which reads:

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> *No preborn person shall be deprived of life by any person: **Provided, however,** That nothing in this article shall prohibit a law allowing justification to be shown for only those medical procedures required to prevent the death of either the pregnant woman or her preborn off-spring, as long as such law requires every reasonable effort be made to preserve the life of each.*

We prolifers will support a provision in an appropriations bill to deny public funds for abortions and explicitly provide public funds *for those medical procedures required to prevent the death of either the pregnant woman or her preborn offspring, as long as every reasonable effort is made to preserve the life of each.*

This language was used by the prolifers in the State of Colorado, when they passed their referendum in November 1984 to stop state funding of abortions. Thus, we have this important precedent — the "equal care and protection" provision is passable by the general electorate, and, therefore, can be passed by the Congress. It is passable because the grassroots prolife movement will support and labor for passage for this "equal care for mother and child" provision.

WE DO NOT HAVE TO SUFFER ABORTION!
NO EXCEPTIONS! NO COMPROMISE!

Mr. CARR. Thank you. Are there any questions?

Mr. GALLO. I have no questions.

Mr. FOLEY. My request is submitted independent of Mrs. Gray.

Mr. CARR. Do you have a prepared statement?

STATEMENT OF MIKE FOLEY

Mr. FOLEY. I would like to supplement with a brief written statement. In the interest of time, I will be brief. I think you will agree that our testimony is unique in that we ask you not to spend money.

Most of the groups that approach you as a member of the Appropriations Committee beg and plead with you to spend money for various and sundry programs many of which are worthwhile.

Our message is not to spend money for the killing of the innocent preborn children. For the first time in many years a representative of the abortion industry testified before this committee. It is probably no great surprise because last year the abortion industry took a hit in some of their funding they have been receiving from this committee.

So now they come and try to protect their interest. They speak of a dignified abortion whatever that could possibly mean. We know many doctors in the District of Columbia have supplemented their incomes with tens of thousands of taxpayers' dollars. This myth that people who kill preborn children are prochoice, I suppose the choice is that they can kill your child today or tomorrow for cash or appropriations from Congress.

But they are not really prochoice because if a woman comes with a significant economic or social need they send them down the line. They provide no assistance whatsoever. I find it very objectionable that they would attempt to pass themselves off as prochoice. I would also like to express my concern over the rising abortion rate.

The most recent statistics in the District of Columbia show that the statistics have increased by over 1,000 abortions over the previous year. This is very disturbing. Many of the abortions are repeat abortions, one-half of them are repeat abortions, second time around. Ten percent are for women in for the third abortion. Whatever social problems exist in the problem and indeed there are many, abortion is not the solution.

We ask that those who would impose their will on us by forcing us regardless of religious or moral beliefs to use our moneys to pay for this reprehensible practice be rebuffed.

We encourage you to support and improve on the language in last year's bill and restrict all funding for abortions in the District of Columbia.

Thank you, very much.

Mr. CARR. Thank you. The record is open until July 24 if you care to submit a written statement. Thank you very much.

Mr. FOLEY. Thank you.

Mr. CARR. Our next witness is Ellie Anderson, president, Shepherd Park Citizen Association.

She is not here.

St. Elizabeths Hospital

STATEMENT OF HANNA L. SCHUSSHEIM, PRESIDENT, FRIENDS OF ST. ELIZABETHS

Mr. **Carr**. Our next witness is Erna Steinbruck.

Ms. **Schussheim**. Ms. Steinbruck was unable to be here. I am Hanna Schussheim, and president of Friends of St. Elizabeths.

We are a private nonprofit advocacy group for the mentally ill family members and relatives, mental health providers, present and former patients and concerned citizens.

It is a very high mentally ill, and their families have to overcome unbelievable obstacles today to get hospital treatment. A patient may be delusional or experiencing intense anxiety or fear, but still be turned away from St. Elizabeths because they are not violent or suicidal.

With current legislation and court decision, families have to fight to get care. One family saw their schizophrenic son run away to New York time and time again. He went because he thought he could recover his brains at the New York City University where he had received a doctorate in physics. He finally was admitted to St. Elizabeths, but the court ordered him released because he had not been admitted voluntarily.

He immediately went back to New York. His family tried for months to locate him. He finally was found in an alley, in the dead of winter, with his feet so frozen that there was danger of amputation.

His family brought him back to St. Elizabeths and, after a 9-month stay, he now lives in a group home and is working. But he needed the intensive care of the hospital to stabilize his condition. And his family went through an indescribable ordeal before they could get him treatment.

These obstacles are due to the misinterpretation and misapplication of the concept that a patient shall be given treatment in the least restrictive environment. The concept should be linked with the criteria of appropriate care for the individual.

Instead, it has been linked with the concept of deinstitutionalization even for people who need a fully structured program and intensive care.

The results of these court orders and legislation on the books can be seen all around us. People living on park benches and over grates, subject to muggings and rape. Hundreds living in shelters placing an untoward burden on shelter providers.

And now we are finding that these people who have dropped out of the D.C. mental health system are often relying on street drugs to deaden their pain. How are they better off sitting on a park bench, alone with the demons of their illness, than they would be in the care of physicians and nurses and in the company of fellow patients who understand their plight?

The District's Mental Health Commission has not fulfilled its obligation to carry on services, programs, and staff at St. Elizabeths at a high or even adequate level of services. Dozens of therapeutic programs have been eliminated.

And this is a very serious thing, because the nature of mental illnesses that we don't have clearly defined, it isn't clear exactly what treatment is needed. And on the other hand, there are a whole variety of treatments that should be tried.

Until a number of years ago, there were a large number of programs and therapeutic programs at the hospital, and now dozens of these programs have been eliminated. Industrial therapy, activities therapies, use of library and gym have been drastically cut, leaving patients with nothing to do all day long. They are just given grounds privileges.

For short-term patients, retrogressed behavior results. For long-term patients, there is no enrichment of their lives or opportunity to improve. In the long-term hospital, psychiatrist and staff ratios are close to 90 to 1.

Before the District assumed control of the hospital, there were 20 to 1. In an acute care hospital which the District has staff so as to meet hospital accreditations, they are maintaining a 17-to-1 ratio; but in the long-term hospitals and in the rehabilitative division, at least 90 to 1. And so over 100 to 1, and there is no therapy, no treatment planning going on. There is just medication to keep people under control.

Two years ago, there were 900 staff vacancies in the system. The Mayor promised to fill these vacancies, but he never did. Instead, he transferred $6 million out of the St. Elizabeths budget into some untraceable activities. This year, he eliminated 652 positions and promised to fill the remaining 248.

After budget hearings were over, there was a reneging on that promise. Vacancies of psychiatrists, social workers, art therapists, and other activities are rarely filled at the hospital.

Despite efforts to move patients out and to keep others from entering or returning, the number of patients at St. Elizabeths is greater this year than last. Tragically, there are more mentally ill, and very sick mentally ill, than ever before. Even with priority for community facilities, hospitals continue to be needed for psychotic patients experiencing emotional breakdown and uncontrolled thoughts and behavior.

It is very important to keep in mind that St. Elizabeths is both a long-term hospital and a State mental hospital. We don't have any hospital upstate or in the country we can send long-term patients to. They have to stay at St. Elizabeths because that provides for both needs.

There are long-term patients who simply cannot make it in the communities. I spoke recently with a 70-year-old woman, a nice old woman, who was back in the acute care hospital after being in a foster home for a while. She first came to St. Elizabeths about 20 years ago and has been in and out ever since.

She said that she did not want to go back to the foster home, that she had always been happy at St. Elizabeths. But at the foster home, she hadn't been able to get along with people. She got into fights. She said at St. Elizabeths, "The staff is nice. The patients are nice to talk to. I had no friends in the foster home. I had no one to talk to. I cannot get along with others."

She said she takes a walk in the evening and she watches the men play basketball. Yet the deinstitutionalization lawyers say she should be out in the community. I say we should look at what the patient needs and can handle. For those who can adjust to life in the community and can live with the hassels and tensions, let us give them all the support and care to help them to succeed.

They are courageous people and deserve services and assistance. But we should not let the institutional ideologies decide in abstraction what is good for a class or classes of patients. That happened with a court agreement that 400 beds be reduced at the hospital. The people who need the beds are not getting service.

There are people in the acute care hospital that have been waiting since April to go into a residential bed, and they cannot go because there are no beds, yet we got a commitment from the city a month ago to reduce the beds by 400 even though these needs are currently unmet.

If a person is too fearful or too nonfunctional to adapt to community living, we should let them stay within the hospital community.

The District agreed to maintain the level of services at St. Elizabeths when it assumed responsibility for the hospital. We hope the Congress will insist that staff, programs, and activities be restored to bring the quality of care back up to pre-1987 levels when the District took over the hospital.

We hope you will examine legislation now on the books to see that the right to treatment and the need for appropriate care according to an individual's needs are provided either in the hospital or at a community mental health center as is medically indicated.

We hope you will help us create a humane community on the west campus with work programs in greenhouses, bakeries, art barns, ceramic studios, a community where the Congress Heights community will work and play. By building such a community, we can help Congress Heights residents remain rather than being driven out by developers. And we will keep land dedicated in sacred trust under the inspirational leadership of Dorothy Dix to the mentally ill of our Nation's Capital. They are an underrepresented population. They need your help. Please do not turn away.

Thank you very much for your time and attention.

[The statement follows:]

TESTIMONY OF FRIENDS OF ST. ELIZABETHS
BEFORE THE
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA
UNITED STATES CONGRESS
JULY 19, 1989

****

The severely mentally ill and their families have to overcome unbelievable obstacles to get hospital treatment today. A patient may be delusional or experiencing intense anxiety or fear, but still be turned away from St.Elizabeths because they are not violent or suicidal.

With current legislation and court decisions, families have to fight to get care. One family saw their schizophrenic son run away to New York time and time again. He went because he thought he could recover his brains at the New York City University where he had received a doctorate in physics. He finally was admitted to St. Elizabeths, but the court ordered him released because he had not been admitted voluntarily. He immediately went back to New York. His family tried for months to locate him. He finally was found in an alley, in the dead of winter, with his feet so frozen that there was danger of amputation. His family brought him back to St. Elizabeths and, after a nine month stay, he now lives in a group home and is working. But he needed the intensive care of the hospital to stabilize his condition. And his family went through an indescribable ordeal before they could get him treatment.

These obstacles are due to the misinterpretation and misapplication of the concept that a patient shall be given treatment in the least restrictive environment. The concept should be linked with the criteria of appropriate care for the individual. Instead it has been linked with the concept of deinstitutionalization even for people who need a fully structured program and intensive care.

The results of these court orders and laws can be seen all around us. People living on park benches and over grates, subject to muggings and rape. Hundreds living in shelters placing an untoward burden on shelter-providers. And now we are finding that these people who have dropped out of the D.C. Mental Health System are often relying on street drugs to deaden their pain. How are they better off sitting on a park bench, alone with the demons of their illness, than they would be in the care of physicians and nurses and in the company of fellow patients who understand their plight?

The District's Mental Health Commission has not fulfilled its obligation to carry on services, programs, and staff at St. Elizabeths at a high or even adequate level of services. Dozens of therapeutic programs have been eliminated. Industrial therapy, activities therapies, use of the library and gym have been drastically cut, leaving patients with nothing to do all day long. For short-term patients, retrogressed behavior results. For long-term patients, there is no enrichment of their lives or opportunity to improve. In the long-term hospital, psychiatrist and staff ratios are close to 90 to 1.

Two years ago, there were 900 staff vacancies in the system. The Mayor promised to fill these vacancies, but he never did. Instead, he transferred $6,000,000 out of the St. Elizabeths budget into some untraceable activities. This year,he eliminated 652 positions and promised to fill the remaining 248. But these positions are now frozen. Vacancies of psychiatrists, social workers, art therapists, and other activities therapists are rarely filled.

Despite efforts to move patients out and to keep others from entering or returning, the number of patients at St. Elizabeths is greater this year than last. Tragically, there are more mentally ill, and very sick mentally ill, than ever before. Even with priority for community facilities, hospitals continue to be needed for psychotic patients experiencing emotional breakdown and uncontrolled thoughts and behavior.

There are long-term patients who simply cannot make it in the community. I spoke recently with a seventy-year old woman-a nice old woman- who was back in the Acute Care Hospital after being in a foster home for a while. She first came to St. Elizabeths about twenty years ago and has been in and out ever since. She said that she did not want to go back to the foster home; that she had always been happy at St. Es. She said: "The staff is nice. The patients are nice to talk to. I had no friends in the foster home. I had no one to talk to. I cannot get along with others." She said she takes a walk in the evening and she watches the men play basketball. Yet the deinstitutionalization lawyers say she should be out in the community. I say we should look at what the patient needs and can handle. For those who can adjust to life in the community and can live with the hassles and tensions, let us give them all the support and care to help them to succeed. They are courageous people and deserve services and assistance. But we should not let idealogues decide in abstraction what is good for a class or classes of patients. If a person is too fearful or too non-functional to adapt to community living, we should let them stay within the hospital community.

The District agreed to maintain the level of services at St. Elizabeths when it assumed responsibility for the hospital. We hope the Congress will insist that staff, programs, and activities be restored to bring the quality of care back up to pre-1987 levels.

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Presented by Hanna L. Schussheim, President

FRIENDS OF St. ELIZABETHS

Humane Care for the Mentally Ill since 1855

ISSUES OF CARE IN THE HOSPITAL DIVISION
OF THE D.C. MENTAL HEALTH SYSTEM

Is appropriate therapeutic treatment being given to patients in the hospital and, following discharge, in the community?

Long-term hospital: with a patient/psychiatrist ratio of 79/1, prescribing medication seems the extent of treatment by psychiatrists. There is little, if any, long-term therapy being administered.

Lack of activities and marked decrease in rehabilitative programs leave patients with nothing to do most of the day. When patients begin to recover, they are given ground privileges and left to their own devices with little or no treatment.

Patients needing close supervision or intensive care often are not taken out-of-doors for months at a time. This can be attributed to lack of escorts or inability to use mental health workers for escort service.

Acute Care Hospital has good patient/staff ratios

Acute care hospital gives best environment and care at St. Elizabeths, but lack of activities adversely affects treatment

Their mission is to evaluate and stabilize patients with little therapeutic or rehabilitative treatment available even though many patients stay for months. Lack of activities causes patients to regress.

Census is at 125% of capacity; nurses work double shifts; there is a lot of tension here as elsewhere in the hospital.

Residential Treatment Division is based on a concept that it is a community-type facility, but there has not been the commitment of resources to make it a viable program.

The community facility model is used as a justification for assignment of a very small number of psychiatrists to the division. There is a psychiatrist/patient ratio of 150/1 allowing no time for treatment planning or therapy.

Basic concept: case managers are to be key actor in treatment, but Mental Health Commission uses case manaagers as if they were the end of the treatment process. They should, in fact, be the start of the process, with the mission of getting psychiatric treatment and structured day programs for patients when they are discharged from the hospital.

No longer have programs offering gradual building blocks to improvemment.

For example, industrial therapy, formerly available to patients at various functional levels, has been reduced both in size and availability. Formerly, participants ranged from very dysfunctional to the best functioning. New program administrators say that the most dysfunctional cannot do enough work to justify giving them Industrial Therapy (IT) assignments. This minimizes the fact that working in IT assignments gave meaning to their lives and addressed their needs for structure and meaningful activity. The program administrators also say that the better functioning patients cannot have IT assignments because they can find work in the city. But many can work in the protected environment at St. Elizabeths who would not be able to perform in an environment they see as hostile and unwelcoming.

The lack of availability of IT and other rehabilitative programs has adversely affected treatment and the quality of life for patients.

Range of therapeutic options has been severely cut back reducing significantly treatment options. Inappropriate, non-beneficial placements result. Hospital stays are longer in the Acute Care Hospital due to lack of placement opportunities. If a patient has a relapse or becomes violent in the Residential Treatment Program, they are likely to be transferred to the Long-Term Hospital whereas previously there was capability to keep a patient in a rehabilitative program even if they had a disruptive episode. This makes the patient feel he has been a failure and cuts him off from rehabilitative options.

Cutbacks in services.

Art therapists have not been replaced; art therapy in some programs ended.

No librarian which curtails services at a facility highly valued by patients (even though purchase of periodicals and new books have all but stopped since the District took over the hospital.)

Hispanic Program was terminated. The community Multicultural Center, which for a while took over some of its responsibilities, will no longer accept hospital patients, leaving non-English- speaking patients with a serious communication problem.

Recreation therapy is available only sporadically.

Trips to parks, shopping centers, etc., have been severely reduced. As a result, there has been a loss of oppotunity for patients to adapt to the community and for staff to observe patients' behavior outside the hospital.

Failure to fill staff vacancies

There are serious staff vacancies in the nursing, therapeutic, and activities staff.

The Mayor has promised to fill vacancies on several occasions and the budget proposals each year have shown hiring goals, but these commitments have not been kept. As hospital staff leaves or is transferred to community mental health centers, it is rarely replaced. This is in spite of the fact that the Acute Care and Long-Term Hospital are well over capacity, causing a great deal of tension.

It is important to find out the Mental Health Commission's intention on hiring the 248 people which they committed to hire with this year's appropriation

Barriers to Hospital Admission

There are several cases of former patients who sought readmission to St. Elizabeths when they felt a relapse coming on, or when they were hallucinatory or feeling a great deal of tension. They were turned away and told they were not "doing anything" to warrant hospitalization. Is the Commission saying that only violent, anti-social, or suicidal behavior warrants hospital treatment?

Lack of continuity of care

Formerly, there was continuity of care through the Outpatient Services which are now greatly reduced.

Need for hospital team to work with community health team during and following discharge

Discharged patients typically need fully structured day programs which are not sufficiently provided for in the District's health model which is based on case management.

Evidence that many former patients are dropping out of the community mental health system and are relying on street drugs instead of prescribed medication.

The Agreement between the Commission and the Dixon Committee does not seem to address the need for day programs and day hospitals. It provides for hiring only 30-40 staff, most of whom will be case managers. Again, case menagers need therapeutic and activities programs for their clients.

In general, one must wonder whether the Mental Health Commission recognizes the severity of the illness and the extent of after hospital care needed. And one wonders how much thought and how many resources are given to the very ill or paranoid or dysfunctional who need the asylum of the hospital.

When Vision and Reality Intersect

For some moments, let us think about visions and about reality and how and when vision and reality intersect. First, the vision: a vision spun by some of us who have developed special feelings about St. Elizabeths. Beyond its beautiful grounds and view, there is an essense in this place, distilled of its significant history. One senses the tears and sorrows of this place, but also the easing of pain that has happened here and the happiness of accomplishment. There is a spirit here of place, rarer in our New World than in older worlds, an essence rapidly disappearing in our fast-track Washington. So -- use your inner eye and try to visualize our vision of St. Elizabeths West Community Campus a decade from today.

You are leaving Hagan Hall, now an active community center, perhaps run by the YWCA. Look toward your left, down the beautiful green mall, still lined by rows of healthy, mature trees. Immediately to your left is the fine old Hitchcock Theatre, where a rehearsal of an Anacostia youth group's musical review is underway. The performance this weekend will be attended not only by residents of West Community Campus and Anacostia, but by people from all over the city. Traffic is heavy on Metro's Green Line, especially during good weather when people from across town proudly bring out-of-town visitors to view and picnic at The Point and to tour the museum and boutiques at Center Chateau. One may visit working artists at the "Torpedo Factory" model workshops in the Chateau's East and West wings, have a meal at Garfield cafeteria (another of the remodeled Center wings) or shop in the discount outlet shops in Pine and Willow wings.

But who are the residents living in St. Elizabeths West Community Campus? Look again down the mall facing Hagen Hall. Beyond Hitchcock Theatre are four large buildings which you know are hospital buildings today. But with your inner eye, see them as apartment houses. Adaptive reuse of old buildings is no experimental concept. Recycling old buildings for new uses, say a warehouse into artists' lofts, is happening in every city across the nation. Examples in Washington include the Old Post Office downtown which has been redesigned as the Pavillion and reused for offices, shops and restaurants. A Montgomery County surplus school building is currently being remodeled into a fine new senior apartment complex with special support systems for quality life for the elderly.

Walk up to the second apartment house (now known as A Building). It was built in 1903 in what was called the Cottage Style. It is distinguished by six great columns. In our vision, its more than 52,000 square feet has been entirely remodeled and now has 50 attractive, modern three and four bedroom apartments which house some 250 people. Rents are moderate or perhaps it is an affordable condominium. Ten percent of the units are allocated for single-parent families. Number 4 cottage, nearby, is an excellent day-care center. There are a number of such apartment buildings on the campus and also a new complex of stepped terraced townhouses with spectacular views of the city built for medium-income residents.

The three apartment buildings further down the mall are all two-storied, with the same red brick and red tile roofs. Together they total over 100,000 sq. ft. They are really special in our vision. People come from all over the country to study their design as state-of-the-art, supportive community residences for the chronically mentally ill. Apartments in these buildings range in size from one bedroom to four bedroom units. But on every floor there is a staff office where tenants can go for help with their medication, with their SSI or Social Security payments, or for interpersonal interventions with roommates. In each building are other support systems: a social lounge, case manager/counselor offices, and exercise and activities rooms. Here can be found community, friendship, support. Those are the qualities which most enhance life and which the isolated disabled find it most difficult to achieve on their own.

What else do we find on this 180-acre site? There is a modest new shopping center and movie theatre complex with access from the Anacostia Freeway. Several District and Professional office and medical buildings bring in daily traffic. The

3./

Greenhouses, begun in 1882 and encompassing almost 18,000 square feet, have been expanded and are an outstanding success story as Washington's restaurants purchase their fine vegetables and fresh spices. A number of the disabled find employment in the greenhouses, as well as in the laundry, the bakery and other revenue-producing industries. There is alot more in our vision but my time is short so let us turn to reality.

The majority of public mental hospitals were built during the last half of the 19th century and the early years of the 20th. They were conceived in a wave of conscience over the abuse of the mentally ill. Since almost nothing was known about either the etiology or the treatment of mental illness, the hospitals were established as humane asylums with the hope that moral training and sylvan environments would prove to be therapeutic. Land in the country was cheap, as was labor, and there was much thought given to therapeutic architecture. Unfortunately, as population and the number of mentally ill increased rapidly and the numbers of recovered were very small, the hospitals soon became holding operations and the whole system degenerated into a new abuse. A wave of reform led to deinstitutionalization, leaving a national stock of under-utilized buildings and land. Factor in the wide application of new stabilizing medication during the last 30 years. We face a new reality that intersects in the most timely way with our vision.

A Memorandum of Agreement on Historic Preservation, completed in August, 1981, states that, with few exceptions, the basic structures of St. Elizabeths Hospital are sound and well suited for reuse, retrofit and renovation. It estimates that the average cost for renovation would be $100 per square foot and states that "it is reasonable to generally expect at least a savings of 10 to 20 percent in a reuse project over a new construction project ..." This is due, in part, to savings on foundations, water and sewage installations, structural frame, exterior walls, in place plumbing, electrical and other kinds of services such as fire prevention and alarm systems.

So.... our reality: we have an exceptional site and sound, handsome buildings which are up for new uses. Our reality: our city is in crisis with a proliferating host of unmet social needs. As an advocate for the mentally ill, I know of the lack of decent, supportive, community housing which is needed as part of a whole continuum of care.

During a recent meeting with Dr. Washington, I spoke to him of our vision for the West Campus. He thought he had a clincher when he challenged me: "Would you want to live on the West Campus?" Well, let us look at what we consider when we choose to live somewhere. Basically, we look for good, clean, safe housing space. Then we look for services. Then environment; then amenities. The infrastructure for all of those qualities exist here and in more abundance than almost anywhere else in our city: the buildings, the space, the land, the view. Yes, I would want to live in such a St. Elizabeths West Community Campus.

To make it happen we need a plan and a structure, such as, let us say, the St. Elizabeths West Community Campus Corporation. To make it happen we need a political constituency. We can start it right here today.

Barbara Bick, President, Friends of St. Elizabeths
for presentation at April 24, 1987 conference:
"St. Elizabeths--A Campus in Change"

(a map of the West Campus with a key to the buildings mentioned above, is available on request)

Mr. **Carr**. Thank you, Ms. Schussheim.

Are there any questions?

Mr. **Gallo**. No questions.

Mr. **Carr**. Thank you very much. Ms. Schussheim.

We have a vote on. The committee will stand in recess.

[A brief recess was taken.]

MUNICIPAL FISH WHARF

STATEMENTS OF:

S. CHURCHILL ELMORE, ATTORNEY AT LAW

T. RODNEY OPPMANN, ATTORNEY FOR MUNICIPAL FISH WHARF

ACCOMPANIED BY:

BILL TOM CUSTIS, WATERMAN

STAN EVANS FROM SMITH ISLAND

Mr. **Dixon** [presiding]. The committee will come to order.

I saw Mr. Gallo, and he indicated he will be back shortly.

Mr. Rodney Oppmann, who is an attorney for the Municipal Fish Wharf is our next witness. I notice you have a prepared statement.

Mr. **Oppmann**. Yes; we would like the statement to appear in the record.

Mr. **Dixon**. It will become a part of our record.

Mr. OPPMANN. I would like to introduce to my right, S. Churchill Elmore, Esq., an attorney who represents the lessees of the Municipal Fish Wharf in certain legal action taken against the District and the Mayor and the Director of Public Works, John Touchstone, and two of the spokespersons for the wharf, Bill Tom Custis, a native Virginian, a working waterman, and Stan Evans from Smith Island, a spokesman for the Marylanders.

Mr. DIXON. As I recall, Mr. Oppmann, you testified at our hearings last year.

Mr. OPPMANN. That is correct, Mr. Chairman.

Mr. DIXON. Your testimony deals with the municipal wharf down on Maine Street.

Mr. OPPMANN. That is correct.

Mr. DIXON. And if you would like to summarize your testimony at this time, we will be glad to take that.

Mr. OPPMANN. I will be as brief as I can. We have had bad news and good news. The bad news is set out in the statement. We have had a boat on the water that wasn't supposed to be there more than 4 days; it has been there 400. The District of Columbia refuses to enforce the regulations. This boat has tried to break our lease, apparently, with a tacit approval of various D.C. officials, including Vernon Gill, the inspector general for the D.C. government.

We have a copy of questions which we have submitted for four individuals of the District government, Marion Barry, Vernon Gill, Donald G. Murray, director of DCRA, and John Touchstone relating to an unauthorized water project they wanted to put in.

We have had a crack, cocaine dealer who has established residence at the wharf. He only left when somebody stole the bilge pump and the boat sank.

We have a transcript of a news program. Five days later, the District decided it had no jurisdiction on the vessels being raided. We think this amounts to harassment. We would like the District to back off.

One courageous individual has come to the conclusion that he has no jurisdiction and is refusing to send inspectors down there.

We would like the subcommittee to consider placing the entire fish wharf, not just the vessels but the land and the building, under Federal jurisdiction, Commerce, OSHA or Park Service or whatever. That is basically what we would like to present to the committee.

[The statement follows:]

BRIEF STATEMENT FOR THE RECORD

FOR : The Honorable Julian C. Dixon
Chairman
Subcommittee on the District of Columbia
Appropriations Committee
U.S. House of Representatives

FROM: Lessees of the Municipal Fish Wharf
1100 Maine Avenue, S.W.
Washington, D.C. 20024

RE : Open Witnesses Hearing, July 19, 1989

I. PREVIOUS APPEARANCES IN 1988 AND 1987

Thank you for this opportunity to appear before Congress on behalf of the Lessees of the Municipal Fish Wharf, 1100 Maine Avenue, S.W., one of America's oldest fish wharfs and a place of great importance, not only to the Nation's Capital, its residents, visitors and tourists from all over the world, but also to fishermen from around the world, and the Maryland and Virginia watermen of the Chesapeake Bay.

The Municipal Fish Wharf was created by an Act of the 62nd Congress in 1913 (see copy attached). The Fish Wharf is supposed to be administered by the District of Columbia Government, but in fact, it has largely been a "forgotten child." For example, its exact boundaries were not known until a survey was completed in September 1988. This survey shows that much of the land which the Municipal Fish Wharf Lessees pay to rent under that Lease with the D.C. Government is actually being used by a neighboring yacht club, yet the D.C. Government refuses to correct this situation. Another example is the negotiating of the 1986-1996 Lease, which was virtually an exact copy of the previous 10-year lease and which was only supposed to take six (6) weeks to accomplish. Instead, it took eighteen (18) months. Later, we learned that two of the D.C. Officials responsible for the delay were Ivanhoe Donaldson and Deputy Mayor Alphonso G. Hill, both of whom have been convicted of "steering" D.C. city contracts.

We appeared before this Subcommittee in 1987 and 1988, reporting on problems with parking and traffic flow, and with putrescible waste. We can recall vividly the Chairman's question to us last year -- "Weren't you here last year?" -- and, when we responded affirmatively, his turning to D.C. Council Member Wilhelmina Rolark and asking, "Why aren't these people getting any relief?"

The distinguished Councilwoman assured the Chair that in the future, we would get better treatment.

If anything, things have gotten worse.

II. SIGNIFICANT DEVELOPMENTS 1988-1989

In addition to the failure of the District of Columbia's Government to do anything to resolve the traffic, parking and putrescible waste problems which we described to this Subcommittee in 1987 and 1988, significant new problems which have befallen the Lessees of the Municipal Fish Wharf since the June 1, 1988 Open Witnesses Hearing of this Subcommittee include the following:

A. "The North Carolina Boat"

In June 1988, a boat from North Carolina docked at the Municipal Fish Wharf. By law, it could only stay at the wharf four (4) days. It has been there almost four-hundred (400) successive days. D.C. Officials (DCRA) refuse to enforce Regulation 24 DCMR § 3405.15 and § 3405.16, which would require the boat to move. The 28' boat is now partially sunk, is listing very badly and constitutes a hazard to both navigation and to the general public. It occupies space paid for by the Lessees of the Municipal Fish Wharf.

In July 1988, a North Carolina attorney and his clients threatened the Lessees of the Fish Wharf, saying that unless we let them onto the wharf to do business there, they would "crack" our lease with the help of a well-known Senator from North Carolina. They obtained a sidewalk excavation permit under false pretenses and proceeded to begin to excavate across our property to put in a water line. We stopped them by proving that they had exceeded by some thirty (30) feet, the twelve (12) feet they were permitted to dig. Later, we learned that they had ties to a local race track and may be interested in the Fish Wharf to launder, gambling and/or drug money. The only D.C. attorney they could refer us to was one Vernon S. Gill, Esquire, who is the Inspector General of the District of Columbia. Mr. Gill admitted to us that he had met at lunch with these persons to discuss how they could "get onto the dock." We reported this incident to th Federal Bureau of Investigation in September 1988 and it is now under investigation.

In September 1988, without warning or explanation, the Corporation Counsel of the Barry Administration advised us that the D.C. Department of Public Works was going to "install a new water system at the Fish Wharf," despite the fact that such a new system was neither needed nor requested. This threat obliged the Lessees of the Fish Wharf to retain attorneys and to obtain, first, a Temporary Restraining Order, and then, a Temporary Injunction, which is still in place. The cost of the unneeded water project would have been approximately Three Hundred Thousand Dollars ($300,000.00).

B. "Crack" Cocaine Dealer Moves to Fish Wharf

In November 1988, a "crack" cocaine dealer moved onto a temporarily vacant boat at the Fish Wharf and began to sell drugs, despite repeated complaints by the Lessees to the Washington Metropolitan Police Department. An Investigative Reporter from WJLA Television Channel-7 says he has never been approached more openly to buy drugs anywhere in the District of Columbia than he has been at the

Municipal Fish Wharf on Maine Avenue, S.W. We are not proud of this fact. In May 1988, the drug dealer moved from one vacant boat to another, apparently assisted by Washington Metropolitan Police Department Officers who arrived in four (4) different squad cars. This drug selling activity only ceased in June 1989 when a thief stole the bilge pump and the boat sank! The boat has remained on the bottom of the Washington Channel for the past month and is still there today.

C. **"Surprise Raid on D.C. Wharf Area"**
Renee Poussaint, WJLA NEWS June 15, 1989

Repeated "raids" and "blitz inspections" by District of Columbia Inspectors from the Department of Consumer and Regulatory Affairs and other D.C. agencies took place at the Municipal Fish Wharf in March, April and May of this year. DCRA's Business Regulation Administration repeatedly put pressure on the D.C. Harbor Policy to "shut down the Fish Wharf," threatening police officers with demotions and going to the "Mayor's Office" when Harbor Police refused to do their bidding. Things culminated on June 14 and 15, 1989. On June 14, a D.C. Electrical Inspector chased a Fish Wharf patron out onto Maine Avenue, hanging onto his car door until, at 25 m.p.h., he fell off and rolled into the gutter.

On June 15, a raid by twelve (12) D.C. Inspectors took place in what WJLA NEWS called "an unprecedented show of force." This activity resulted in only one (1) minor citation -- since cured -- and well-justified cries of "harassment" from the Lessees of the Fish Wharf. (See attached transcript of WJLA 6:00 P.M. NEWS Program.)

On June 20, 1989, thanks largely to the Channel-7 Television exposure on these raids, but thanks also to the very enlightened, courageous stand taken by D.C. employee Vincent Ford, Chief, Buildings Inspection Division (DCRA), these raids stopped. Mr. Ford refused to send building inspectors to inspect vessels, properly recognizing that such vessels are subject to Federal jurisdiction and inspection by the

U.S. Coast Guard and OSHA, something the Lessees of the Fish Wharf have maintained for years.

(Thanks to Mr. Ford's enlightened decision and reasonableness, the Lessees of the Municipal Fish Wharf have begun a program of voluntary permit registration and inspection with his Division until a transfer of all such inspections to Federal agencies can be arranged.)

III. CONCLUSION AND REQUEST FOR ASSISTANCE

Given the highly significant change of position by the District of Columbia Government on June 20, 1989, recognizing the Federal jurisdiction over the vessels from which seafood is sold, we appear before this Subcommittee today to request assistance of this Subcommittee in placing the entire Municipal Fish Wharf under the jurisdiction of the Federal Government, *i.e.*, not just the vessels, but the approximately two acres of Federally-owned land next to which the vessels on Maine Avenue are docked. Title to this property is held in the name of "THE UNITED STATES OF AMERICA." We suggest that such property could, consistent with the Act of Congress of 1913, which created the Fish Wharf, be placed or assigned to the Department of Commerce (Merchant Marine and Fisheries Committee), the Department of the Interior (National Park Service or Smithsonian Institution Group), or, simply to the Government Services Administration (GSA) for appropriate action by them.

We ask this relief and assistance from this Subcommittee, and from the entire Congress, because the Municipal Fish Wharf is too valuable an asset to this city and this country to be mismanaged or harassed out of existence. We believe and want the Record of this Hearing to reflect the fact that no fish wharf on the East Coast of the United States offers better seafood at similarly low prices. We direct your attention to an attached article from the July 17, 1989 issue of *The Washington*

Times, which described the price of blue crabs at the Fish Wharf as "unbelievable." Our prices are consistently 30% to 60% below competing supermarkets and smaller competitors. This is so because of the sole special purpose of the wharf (i.e., the sale of seafood) and the high degree of competition.

We believe that the D.C. Government would like to terminate the Municipal Fish Wharf on Maine Avenue and ask for the assistance of this Subcommittee to see to it that this does not happen.

Attached are copies of questions which have previously been submitted to prior witnesses before this Subcommittee: Mayor Marion S. Barry Jr. (June 21, 1989); Inspector General Vernon S. Gill, Esquire (June 22, 1989); Director of DCRA Donald G. Murray (June 28, 1989); and Director of Public Works, John E. Touchstone (July 18, 1989.

Respectfully submitted,

Lessees of the Municipal Fish Wharf
1100 Maine Avenue, S.W.
Washington, D.C. 20024

By their Attorney
T. Rodney Oppmann, Esquire
888 Seventeenth Street, N.W.
Washington, D.C. 20006
(202) 861-0300

are authorized to charge hereafter not to exceed 20 cents per day for each space in accordance with the provisions of the aforesaid Act.

Eastern market.

Eastern Market: Laborer for cleaning sidewalk and street where used for market purposes (farmers' market), $300.

Western market.

Western Market: Laborer for cleaning sidewalk and street where used for market purposes (farmers' market), $300.

NOTE

Fish wharf and market.

Salaries for.

Operation, etc., by Commissioners.

Fish wharf and market: Market master and wharfinger, who shall have charge of the landing of vessels, the collection of wharfage and dockage rentals, and the collection of rents for fish houses at the municipal fish wharf and market hereinafter established, for not exceeding sixteen months at the rate of $75 per month, beginning March first, nineteen hundred and thirteen, $1,200; assistant market master, who shall also act as laborer, for the same period, at the rate of $50 per month, not exceeding $800; in all, $2,000, to be immediately available; and the Commissioners of the District of Columbia are authorized and directed in the name of the District of Columbia to take over, exclusively control, regulate, and operate as a municipal fish wharf and market, the water frontage on the Potomac River lying south of Water Street, between Eleventh and Twelfth Streets, including the buildings and wharves thereon, and said wharf shall constitute the sole wharf for the landing of fish and oysters for sale in the District of Columbia; and said commissioners shall have power to make leases, fix and determine rentals, wharfage and dockage fees, and to collect and pay the same into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia, and to make and amend, from time to time, all such regulations as they may deem proper for the control, regulation, and operation of said municipal fish wharf and market; and all leases, subleases, and other private rights of occupancy in and to any or all of said property are terminated on, from, and after March fifteenth, nineteen hundred and thirteen; and all laws and parts of laws requiring the advertisement and sale of rights and privileges for a fish wharf or dock, and all laws or parts of laws inconsistent with the provisions hereof are repealed.

Leases, fees, etc.

Deposit of receipts.

Termination of present leases, etc.

Repeal of inconsistent laws.
Vol. 36, p. 73.

Superintendent of weights, measures, and markets.

Office of superintendent of weights, measures, and markets: Superintendent, $2,500; two assistants, at $1,200 each; clerk, $1,200; laborer, $480; in all, $6,580.

Purchases for investigations.

For the purchase of small quantities of groceries, meats, and provisions, and so forth, in connection with the investigation and detection of sales of short weight and measure, $50.

Engineer Commissioner's office.
Engineers, superintendents, etc.

Proviso.
Asphalt inspector, restrictions.

Engineer Commissioner's office: Engineer of highways, $3,000; engineer of bridges, $2,250; superintendent of streets, $2,000; superintendent of suburban roads, $2,000; superintendent of sewers, $3,300; inspector of asphalts and cements, $2,400 (*Provided*, That the inspector of asphalts and cements shall not receive or accept compensation of any kind from, or perform any work or render any services of a character required of him officially by the District of Columbia to, any person, firm, corporation, or municipality other than the District of Columbia); assistant inspector of asphalts and cements, $1,500; superintendent of trees and parkings, $2,000; assistant superintendent of trees and parkings, $1,200; assistant engineers—one $2,200, one $2,100, four at $1,800 each, two at $1,600 each, four at $1,500 each, one $1,350, one $1,200; transitmen—two at $1,200 each, one $1,050; rodmen—four at $900 each, eight at $780 each; twelve chainmen, at $650 each; draftsmen—one $1,500, one $1,350, two at $1,200 each, one $1,050; general inspector of sewers, $1,300; inspector of sewers, $1,200; bridge inspector, $1,200; inspectors—two at $1,500 each, six, including three inspectors of streets, at $1,200 each, one $1,000, one $900; foremen—twelve at $1,200 each, one $1,050, ten at $900 each; foreman, Rock Creek

Assistant engineers, etc.

Inspectors, etc.

District-Realty Title Insurance Corporation
1030 18th Street, N.W. / Washington, D.C. 20006 / 202-466-8800

REPORT OF TITLE

THIS REPORT OF TITLE IS ISSUED FOR THE EXCLUSIVE USE OF: T. Rodney Oppman, Esq.

Case No. 507062

THIS CORPORATION has caused to be examined the Land Records to the real estate described in Schedule "A" to the date below, and found record title to be vested in The United States of America by virtue of the Act of Cession by the State of Maryland, 1788, C.46 (effected 1791) (See Morris vs. U. S., Vol. 174, U.S. Report page 196) whose estate or interest is ☒ fee simple ☐ leasehold, and found to be free from recorded objections except as noted in Schedule "B".

SCHEDULE "A" (Description)

The area between 11th and 12th Street South of Main Avenue, formerly Water Street lying South of Square 329 on which is presently situated the Municipal Fish Wharf. (unassessed land)

SCHEDULE "B" (Objections)

1. Unpaid taxes, water rent, and assessments.
2. Such state of facts as would be disclosed by an accurate survey of the premises.
3. Building and zoning regulations in force in the District of Columbia.
4. Rights of parties in possession under unrecorded leases.
5. Urban Renewal Plan for the Southwest Urban Renewal Area recorded February 13, 1957, as Instrument No. 446, May 25, 1960, as Instrument No. 999, February 4, 1969 in Liber 12963, folio 358, September 10, 1969 in Liber 13030 at folio 575, October 2, 1974 as Instrument No. 22582, February 14, 1975, as Instrument No. 3084 ~~and October 2, 1974, as Instrument No. 22582~~ among the Land Records of the District of Columbia. Boundaries include subject property. Subject to the provisions of Title 5, Section 705(d) of the 1967 District of Columbia Code and any other regulations of the District of Columbia Redevelopment Land Agency pertaining to any new construction or remodeling of properties located in Urban Renewal Areas.

NOTE: While the Municipal Fish Wharf is situated within the boundaries of the Urban Renewal Project area, it is listed as one of the properties in said project area that is exempt from being acquired by the District of Columbia Redevelopment Land Agency.

NOTE: Said Urban Renewal Plans also list the Municipal Fish Wharf as being under the "jurisdiction" of the District of Columbia, but nothing of record indicates that Legal Title has been transferred to said entity.

-continued-

NOTE: Instruments creating the interest to be insured must be noted and recorded by this corporation before a policy can be issued.

CERTIFIED this 24th day of October 1985

District-Realty Title Insurance Corporation

By. Joseph L Williams
Joseph L. Williams, Title Officer

No liability is assumed by District Realty Title Insurance Corporation unless and until a Binder and Policy is issued by this Corporation.

Case No. 507062

SCHEDULE "B" (OBJECTIONS)

REPORT OF TITLE

continues:

6. Possible unrecorded 20 foot wide pedestrian easement for a walkway along the bulkhead between the Municipal Fish Wharf and Fort McNair. The above Urban Renewal Plan's on page 5 - 13, Sect. 542.254 state that said Easement "shall be established", for the aforementioned purpose. However, there is no Easement of record. Said section of the Urban Renewal Plan's also specifies that the redeveloper of site "F" on the Plan shall improve, develop and maintain the area subject to such easement as a pedestrian walkway open to the public at all times and that said walkway may be covered by a canopy or appropriate shelter, subject to approval by the District Commissioners.

7. Prior to any conveyance or encumberance a proper metes and bounds description of the above described property must be furnished this corporation and inserted in any proposed instruments.

8. Compliance with the Tax Deficit Reduction Act of 1984 as to withholding tax on disposition of property interests in the United States by foreign persons, foreign corporations, non-publicly traded domestic corporations which are a real property holding corporation as defined in said Act.

9. Rights of Tenants under the Rental Housing Conversion and Sales Act of 1980 and Regulations adopted thereunder.

NOTE I: See Morris vs. U. S. Reported in Volume 174 United States Reports October 1898 term of the Supreme Court of the District of Columbia wherein it is stated that from the first conception of the Federal City, the establishment of a public street, bounding the city on the south, and to be known as Water Street, was intended, and such intention has never been departed from; and it follows that the holders of lots and squares, abutting on the line of Water Street, are not entitled to riparian rights, nor are they entitled to rights of private property in the waters or the reclaimed lands lying between Water street and the navigable channels of the river, unless they can show valid grants to the same from Congress, or from the City on the authority of Congress, or such a long protracted and notorious possession and enjoyment of defined parcels of land, as to justify a court, under the doctrine of prescription, in inferring grants. No riparian rights belonged to the Lots between 7th Street West and Twenty-seventh Street West.

NOTE II: On March 2, 1797, President Washington, by his act, requested and directed Thomas Beall and John M. Gantt, the trustees, to convey all the streets in the city of Washington, as they were laid and delineated in the plan of the city thereto attached, and also the several squares, parcels and lots of ground appropriated to the use of the United States, and particularly described, to Gustavus Scott, William Thornton and Alexander White, commissioners appointed under the act of Congress. This was subsequently done under President Adams on July 23, 1798. The Rivers and Harbors Act approved March 3, 1881 made it the duty of the Attorney General to examine all claims of title to the premises to be improved under this appropriation, and to institute a suit or suits at law or in equity "against any and all claimants of title under any patent which, in his opinion, was by mistake or was improperly or illegally issued for any part of the marshes or flats within the limites of the proposed improvement. The Land Records of the District of Columbia reveal that by Deed recorded in Liber J.A.S. 40 at folio 342 on May 14, 1852, John W. Maury, et ux Isabel deeded the "Wharf located in front of said land" (Said land being Lots 2, 3 and 4 Square 329) to William R. Riley. However, this is the 1st mention of the Wharf property. Said Maury's predecessor had no title thereto.

See Deeds recorded in Liber W.B. 60, Folio 414, on December 20, 1836 and Liber W.B. 62 at folio 117 on November 1, 1836 for acquisition of property by said Maury. The instant case Morris vs. U. S. includes the claim of Elizabeth K. Riley in her own right and as executrix of William R. Riley, deceased). She was als the wife of said decedent. Under No. 7 on page 281, the court considered the claim of the above and others who claimed rights of property on the river between the "Long Bridge and the Arsenal and it was concluded that no riparian rights in the waters of the Potomac River belong to the owners of lots lying north of Water street, and that no presumption of grants in fee can arise, in these cases, from actual occupation of lands and water south of said street.

-continued-

Case No. 507062

SCHEDULE "B" (OBJECTIONS)

REPORT OF TITLE

continues:

NOTE III: This corporation has found no transfer of Jurisdiction of Water Street and/or the bed of the street thereunder and/or the abutting lands necessary to its support and maintenance to the District of Columbia or of the land south thereof on which caption is situated to said District of Columbia.

NOTE IV: An act approved June 4, 1934 Chapter 375 (48 Statutes at Large, page 836 authorizes the Secretary of Interior with the approval of the National Capital Park and Planning Commission and the Attorney General of the U. S. to make equitable adjustments of conflicting claims between the U. S. and other claimants of land along the shoresof the Potomac River, Anacostia River and Rock Creek in D. C.,........ the Secretary of Interior is authorized to make and accept on behalf of the U. S. by way of compromise when deemed to be in the public interest, such conveyances including deeds of QC and rest and collateral covenants of the land in dispute as shall be also approved by the National Capital Park and Planning Commission and the Attorney General of the U.S. This act is furnished for information to hopefully settle any conflicts between the U. S. A. and others involving caption.

The Washington Times

MONDAY, JULY 17, 1989 PAGE B-5

Watermen pack and carry bushels of Chesapeake Bay crabs that are worth almost their weight in precious metal this year. Crab lovers are paying anywhere from $50 to $100 for a bushel of medium-to-large male crabs, with $75 an average price.

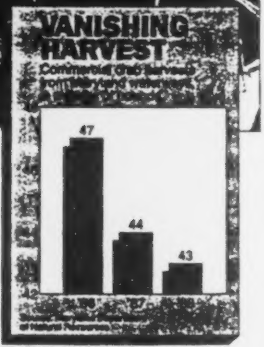


Chart by Greg Groesch / The Washington Times

Crab eaters taste price of scarcity

By Cheryl Wetzstein
THE WASHINGTON TIMES

Blue crabs are scarce this summer, prices are high and officials are concerned about the long-term health of the Chesapeake Bay's most valuable commercial crop.

"Crabs are in fairly light supply," said Jack Brooks, vice president of J.M. Clayton Co., a crab processing company in Cambridge.

"Supply is so-so," concurred Betty Schaaf, manager of Pop's Crabhouse and Carryout, where bushels of top-of-the-line, steamed, hard-shelled crabs are selling for $69.

The Lanham outlet's price was average for the metropolitan area: Crab lovers are paying anywhere from $50 to $100 for a bushel of medium-to-large male crabs, with $75 a common asking price. A bushel contains about 60 crabs; last year, the average bushel cost about $65.

For purchases by the dozen, jumbo males, where available, are going for about $28 a dozen.

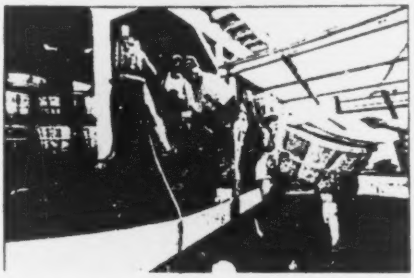
Current prices for large males were between $22 to $25. On the high side was $27.50; on the low end was an unbelievable $10-a-dozen, quoted by a spokesman at Captain White's Seafood City on Maine Avenue in Southwest Washington.

Sizes are not defined in the hard-shell crab industry, said Noreen Eberly, a seafood marketing specialist with Maryland Department of Agriculture's Office of Seafood Marketing.

" 'Large' is defined by what is available that day," she said. Crabs are generally between 5 and 7 inches, measured lengthwise, spine to spine.

While roadside crab trucks may offer lower prices, she added, "It's not recommended to buy from them, as many are not licensed by health department."

Customers should ask what part of the Bay the crabs come from, advised Henry Vechery, who has been serving crabs for 29 years at the Bethesda Crab House.



Photos by Shayne Brennan The Washington Times

"Crabs from the bottom of the Bay and Virginia aren't big this year," he said. "But from the rivers — the Miles River, the Chester River — they're exceptionally good."

Reasonably priced all-you-can-eat crab feasts are still around, but reflect the overall tightness of the market. Crabs served at such pigouts are often the smaller or lighter ones, one restaurateur noted. In some places, such as The Dancing Crab on Wisconsin Avenue in Northwest Washington, the all-you-can-eat offer has been temporarily discontinued.

Maryland crabber is a real yeoman, page C9.

see CRABS, *page B7*

The Washington Times

MONDAY, JULY 17, 1989 / PAGE B7

CRABS

From page B5

Local crabfests are still a go, though.

The Tilghman Seafood Festival, which drew some 4,000 people July 1, turned out "better than expected," said Dave McQuay, one of the organizers. Jumbo crabs sold for $14 a dozen — "a pretty good price," he said.

On schedule for Wednesday, from 1 to 5 p.m., is the annual all-you-can-eat J. Millard Tawes Crab & Clam Bake, held across the street from Somers Cove Marina in Crisfield.

"The plans are really great; we just had a meeting last night," said Kim Tyler, daughter of Crisfield City Councilman and feast organizer Larry Tyler.

Cost of the event is $21.50, "same as last year, and just a few dollars more than previous years," said Miss Tyler.

This year's rainy spring may have contributed to the meager early harvests.

"The rain water cooled down the [Bay] temperatures somewhat," said biologist Bill Van Heuklem, who studies the blue crab at Horn Point Environmental Laboratory on the Choptank River. "That slows down a crab's metabolism and they don't feed as much; they'll be less likely to be attracted to a crab pot or trot line."

The blue crab harvest is expected to increase with the summer, and if it does, prices will drop. Bethesda Crab House's Mr. Vechery, for example, said he would be reducing his price of $75 a bushel this week and anticipated additional price cuts.

Still, 1989's best prices are a far cry from just six summers ago, when it only cost a crab lover $35 to land a bushel of Chesapeake's sweetest seafood.

"It's been hard to catch a crab since 1984-1985," said Harry T. Hornick, an ecologist with the Maryland Department of Natural Resources, Tidewater Administration.

He explained that the catch-per-unit — the number of crabs caught divided by the number of pots needed to catch them — has been declining since 1985, even though the number of crab pots has been steadily increasing since 1984.

"That's not a good sign; there's potential problems there," said Mr. Hornick.

Fearing that the blue crab might follow in the unfortunate path of the oyster, shad and rockfish, local governments are taking action to strike a balance between supply and demand.

The 1987 Chesapeake Bay Agreement, signed by Pennsylvania, Maryland, and Virginia, the District of Columbia, the U.S. Environmental Protection Agency and the Chesapeake Bay Commission, pledged that this July, "management plans" for oysters, blue crab and American shad be developed and prepared for implementation.

The draft of the blue crab management plan, issued by an interstate Fishery Management Work group, suggests strategies such as setting limits on annual crab catches, the length of the season and/or the kind of gear that can be used. Other suggestions include prohibiting the harvest of sponge crabs (females bearing eggs), increasing the minimum legal size of a crab from 5-inches to 5½-inches, and requiring crab pots to have "cull rings" to allow sublegal-sized crabs to escape.

Another proposal is for the establishment of "crab sanctuaries," which could be changed periodically and protected from dredging, development or poaching.

There seem to be "lots of little crabs out there," said Mr. Brooks of the crab processing plant. Crabbers have been finding plenty of undersized crabs, "from the size of a thumbnail to 3 inches," he said.

Crabs are now the most valuable commercial product in the Bay, "both by weight and value," said Mr. Hornick of the Maryland Department of Natural Resources. According to the draft management plan, the Bay's 1988 commercial harvest from both Maryland and Virginia was 82.7 million pounds — including hard and soft crabs — worth about $38.5 million at the docks. Recreational crabbers accounted for an estimated 21.5 million additional pounds in Maryland last year.

QUESTIONS TO BE ASKED JOHN E. TOUCHSTONE, DIRECTOR, DEPARTMENT OF PUBLIC WORKS, DISTRICT OF COLUMBIA GOVERNMENT, AT JULY 18, 1989 HEARING OF U. S. HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITT ON THE DISTRICT OF COLUMBIA

1. This Subcommittee is informed that the Lessees of the Municipal Fish Wharf on Maine Avenue, S.W. have a Lease with the D. C. Government and that they have exercised their option to extend this Lease through June 30, 1996. This Subcommittee is also informed that in September, 1988, without any prior consultation with the Lessees of the Fish Wharf, the D. C. Department of Public Works announced that it was going to excavate extensively at the Wharf to install a new water system which would cost the taxpayers over $300,000.00 to provide water to a boat docked at the Wharf with no leasehold rights and no license to do business there.

The Lessees of the Fish Wharf were obliged to sue you as Director of the Department of Public Works to obtain, first, a Temporary Restraining Order, and, then, a Temporary Injunction, which is still in place.

QUESTION: Why was the Department of Public Works going to spend over $300,000.00 to put in place a water system which was not needed and was not requested by the Lessees to provide water to a boat which had no leasehold rights to do business at the Municipal Fish Wharf?

2. This Subcommittee was informed in testimony presented to it in the Open Witnesses Hearings in 1988 and 1987 of the urgent need for better parking and traffic flow at the western-end of Maine Avenue, S.W., yet, to date, nothing has been done to improve parking and traffic flow there.

QUESTION: Does the Department of Public Works have any plans to alleviate the traffic congestion and parking problems on the western-end of Maine Avenue, S.W., including for the Lessees of the Municipal Fish Wharf, whose Lease with the D. C. Government runs through June, 1996?

3. This Subcommittee is not aware of any development project in the area of the Municipal Fish Wharf, including the "Portal Project" which is several blocks away and whose developers (Western Development Corp.) have confirmed to the Municipal Fish Wharf Lessees that Western Development Corp. has no interest in the Municipal Fish Wharf area.

QUESTION: Does the Department of Public Works or do you as its Director know of any "development project" as the term is used in the Municipal Fish Wharf Lessees' Lease with the D. C..Government, Lease No. 914.903, Article 32. "RENEWAL", planned for the area of the Municipal Fish Wharf which would alter the Lessees right to occupy their Maine Avenue site through June, 1996?

QUESTIONS TO BE ASKED HON. DONALD G. MURRAY, DIRECTOR, DCRA - DEPARTMENT OF CONSUMER AND REGULATORY AFFIARS, AT THE JUNE 28, 1989 HEARING OF THE U. S. HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA Room H-301

1. This Subcommittee is informed that on June 15, 1989, DCRA inspectors conducted an inspection of the Municipal Fish Wharf in what WJLA Television called "an unprecedented show of force" (see attached transcript prepared by Radio-TV Monitoring Service, Inc.: "Surprise Raid on DC Wharf Area"). Since then, the Chief of DCRA's Building Inspection Division has determined that there is no DCRA jurisdiction over the commercial vessels docked at the Fish Wharf because the land is owned by the U. S. Government and, therefore, such vessels are under the jurisdiction of the U. S. Coast Guard and other federal agencies such as OSHA - Occupational Safety and Health Administration (see attached letter of T. Rodney Oppmann, Attorney for the Municipal Fish Wharf Lessees, to Vincent Ford, Chief, Building Inspection Division, of June 23, 1989).

QUESTION: Do you agree that DCRA has no jurisdiction over such vessels?

QUESTION: Do you believe that it would be more appropriate to place the entire Municipal Fish Wharf, which was created by Act of Congress in 1913, under federal jurisdiction such as the Coast Guard and OSHA, as this Subcommittee is informed several of DCRA's senior administrators have suggested?

2. This Subcommittee is also informed that a vessel registered only in the State of North Carolina which has no leasehold right to do business at the Municipal Fish Wharf has been docked at the Fish Wharf for over four-hundred (400) consecutive days, seemingly in violation of 24 DCMR § 405.15 and § 405.16, which limit such temporary docking to four (4) days at a time, subject to your approval as Director of DCRA and subject to your issuance of a permit (see attached copy of 24 DCMR §405.15 and 405.16).

Nonetheless, this Subcommittee is informed that DCRA's Business Regulation Administration has taken the position that the Regulations in question, which were published in 1985, are "outdated" (see attached letter of H.C. Lee, III, Director, of January 23, 1989) and, therefore, are not to be enforced by DCRA. This Subcommittee is further informed that at least one Congressional inquiry on this matter (see letter of Honorable Herb Bateman of January 9, 1989) has gone unanswered for almost six (6) months.

QUESTION: Does DCRA plan to order the vessel in question, which is now semi-submerged, to vacate the Municipal Fish Wharf, as requested by one of the current lessees DCRA has licensed to do business there.

QUESTION: If so, when?

QUESTION: If not, why not?

QUESTION: Won't the failure of DCRA to remove this vessel result in trespass by the owner of the vessel and non-feasance by DCRA?

QUESTION: On what basis do DCRA officials who are not attorneys determine that apparently enforceable D.C. Municipal Regulations are "outdated" and, therefore, are not to be enforced?

RADIO-TV MONITORING SERVICE, INC.
3408 WISCONSIN AVENUE, N.W. · WASHINGTON, D.C. 20016 · 244-1901

PROGRAM: NEWS SEVEN	DATE: JUNE 15, 1989
STATION OR NETWORK: WJLA TELEVISION	TIME: 6:00 PM, EDT

(TEASER)

DEL WALTERS, WJLA NEWS: In the District, city inspectors move in on the wharf area and fishermen here are alledging harrassment. I'll have an exclusive report...

(Wharf scene shown in background...)

RADIO-TV MONITORING SERVICE, INC.
3408 WISCONSIN AVENUE, N. W. -:- WASHINGTON, D. C. 20016 -:- 244-1901

PROGRAM: NEWS SEVEN	DATE: JUNE 15, 1989
STATION OR NETWORK: WJLA TELEVISION	TIME: 6:00 PM, EDT

SURPRISE RAID ON DC WHARF AREA

RENEE POUSSAINT, WJLA NEWS: In an unprecedented show of force, city officials moved in today to inspect the city's wharf area. But, as District reporter Del Walters shows us in this exclusive report, when it was all over there were few citations, but a lot of harrassment charges.

(FILM SHOWN)

DEL WALTERS, WJLA NEWS: About a dozen city inspectors and police moved in just before noon, the busiest time of day at the pier. Representatives from three different city departments were there. Problem was, no one there appeared to be able to figure out why they were being raided.

S.K. MARTIN, Fisherman: We get inspected frequently about twice a month you know, by the Health Department. But we've never had the building inspectors, wiring inspectors, Harbour Police, Health Department; everyone down here at once.

When it was all over, only one establishment had been closed down. This man was ordered to stop working on a building because he didn't have a permit.

NEWTON BROWN, Fisherman: We had a certified electrician doing it.

WALTERS: As far as you knew, the guy had a permit?

BROWN: As far as I knew, yes.

WALTERS: What do you think about all this?

BROWN: We can't fight City Hall.

But Rodney Oppmann, an attorney who represents the fishermen says his clients are being harrassed by the Barry Administration because of the suit they filed to stop the city from installing a water line that would lead to a sunken boat. Their next stop was Capitol Hill.

RODNEY OPPMANN, Attorney for Fishermen: We're going to ask questions about why a water system was going to be put in here with no prior consultation with people here. Which ended up in an injuction against the Mayor and John Touchstone, the Director of Public Works.

We wanted to ask the city why such a major display of force produced such minor results, but no one would talk. Afterwards, police could be overheard apologizing to merchants explaining that they were just acting on orders.

so what, then, is the bottom line here? Is it political skullduggery, or does the city have the public safety in mind? At least one fisherman isn't planning on waiting to find out. When asked by another fisherman whether he had donated to the Mayor's campaign, he replied no. But added he plans to.

(END OF FILM)

POUSSAINT: A spokesman for the Department of Consumer and Regulatory Affairs said the raid followed complaints about one contractor at the wharf who was allegedly working without a permit. When asked why problems with one business should lead to the inspection of all businesses, the spokesman said the Departmenet was just being efficient.

(END)

T. RODNEY OPPMANN
ATTORNEY AT LAW

TELEPHONE (202) 861-0300
CABLE OPPMANN WASHINGTON D C

SUITE 214
888 SEVENTEENTH STREET, N W
WASHINGTON D C 20006

June 23, 1989

Mr. Vincent Ford
Chief
Buildings Inspection Division
D.C. DCRA Room LL-3
614 H Street, N.W.
Washington, D.C. 20001

URGENT - DELIVERY BY MESSENGER

Re: Municipal Fish Wharf

Dear Mr. Ford:

Confirming our telephone conversation of this morning, enclosed please find xerox copies of the Report of Title, Case No. 507062, of District-Realty Title Insurance Corporation, which finds with respect to the Municipal Fish Wharf that "title...(is)...vested in The United States of America...", Morris v. United States, U. S. Reports, Vol. 174 at 196-359, by which the United States Supreme Court found in 1899 that the waterfront from the present Navy Yard to the Tidal Basis is the property of the United States of America, the current Lease Ref. No. 914.903 which covers the Municipal Fish Wharf, the transcript of Wednesday, September 28, 1988 in Civil Action No. 9071-88, D.C. Superior Court, by the terms of which a temporary injunction was placed on the Fish Wharf, and miscellaneous newspaper articles and letters dealing with the federal nature of the Municipal Fish Wharf.

Further confirming our telephone conversation of this morning, the Division of Buildings Inspection has determined that the jurisdiction at the Municipal Fish Wharf is federal and, therefore, the boats or barges from which seafood is sold are not subject to District of Columbia jurisdiction with respect to obtaining building, electrical, plumbing, etc. permits issued by your office of the Department of Consumer and Regulatory Affairs of the District of Columbia Government.

As I stated in our telephone conversation, for the reasons which we discussed yesterday (safety of the general public and the crews on the boats, advisability of an additional check of work done, greater ease of enforceability of insurance claims), I am strongly advising my clients to obtain permits from your office on a voluntary basis.

Again, thank you for your very professional and courteous assistance in resolving this jurisdictional question. My clients and I look forward to co-operating with you and your fine offices in the future.

Very truly yours,

T. Rodney Oppmann
Attorney for the Municipal Fish Wharf Lessee

Encls: as cited
cc: Mr. Bill Tom Custis
TRO/ar

405 **MUNICIPAL FISH WHARF AND MARKET** (Continued)

405.12 No person shall engage in shucking oysters for the public until he or she has been given a permit and identification badge by the market master.

405.13 An oyster shucking permit may be revoked at any time.

405.14 No person shall ply his or her trade of shucking oysters for the public except on the portion of the market premises designated for this purpose by the Director.

NOTE ↘

405.15 No person shall dock any boat or other water craft at the municipal fish wharf and market without a permit issued by the Director; except boats carrying cargoes of fish, oysters, or other seafood products, or watermelons or other farm products. Issuance of a permit shall be based on a finding that the dockage applied for will not interfere with the dockage of boats carrying cargoes of fish, oysters, or other seafood products.

405.16 A non-cargo dockage permit may be issued for not more than four (4) consecutive days in any one (1) calendar month; and then only upon the condition that, should the dockage space be required by any boat carrying cargoes of fish, oysters, or other seafood products, the person to whom the permit has been issued shall immediately remove his or her boat from the dock upon the request of the Director.

405.17 The fees for non-cargo dockage permits shall be the following:

(a) For boats not more than fifty feet (50') in length, one dollar ($1) per day;

(b) For boats fifty-one feet (51') to one hundred feet (100') in length, two dollars ($2) per day; and

(c) For boats over one hundred feet (100') in length, five dollars ($5) per day.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS REGULATION ADMINISTRATION

23 JAN 1989

Mr. Victor Ray Pruitt
1100 Maine Avenue, S.W.
Washington, D.C. 20024

Dear Mr. Pruitt:

Robert King, Associate Director of the Department of Administrative Services, Real Property Administration, has requested that I respond to your letter requesting the removal of a 28-foot boat bearing a (red) D.C. sticker number 2331 and black numbers 86976, from the Municipal Fish Wharf.

The Department of Consumer and Regulatory Affairs is not in a position to force the removal of the boat in question. The provisions of 24 DCMR at 405.15 and 405.16 are not being enforced because the provisions are outdated and would require a shut-down of all water-based operations at the wharf.

DCRA is currently drafting legislation to regulate the Municipal Fish Wharf with today's business practices and consumer needs in mind. I welcome the opportunity to meet with you to discuss ideas you and your colleagues may have about regulation of the Municipal Wharf. You may reach me at (202) 727-7247 or by mail at 614 H Street, N.W., Room 621, Washington, D.C. 20001.

Sincerely,

Henry C Lee

Henry C. Lee, III
Administrator

cc: Robert L. King

HERBERT H. BATEMAN
1ST DISTRICT VIRGINIA

COMMITTEES
ARMED SERVICES
MERCHANT MARINE AND FISHERIES

CO-CHAIRMAN CONGRESSIONAL SPACE CAUCUS

1230 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON DC 20515-4601
(202) 225-4261

DISTRICT OFFICES
739 Thimble Shoals Blvd
Newport News VA 23606-[illegible]
(804) 873-1132

Box 1183
Tappahannock VA 22560-[illegible]
(804) 443-4740

Box 447
Accomac VA 23301-0447
(804) 787-7836

Congress of the United States
House of Representatives
Washington, DC 20515-4601

January 9, 1989

The Honorable Marion S. Barry
Mayor of the District of Columbia
14th and E Street, NW
Washington, D.C. 20004

Dear Mayor Barry:

Enclosed is a copy of correspondence from one of the lessees of the municipal fish wharf to the District of Columbia Real Property Administration. This letter concerns removal of a vessel which is docked at the wharf in direct violation of District regulations and in violation of the lease between the District and the businesses currently in operation on the wharf.

Unfortunately, no response has been received to this letter. Therefore, I want to urge you to order the offending vessel to be removed immediately. As the courts have already stated if the District aids "a third party carrying on commercial fish business [on the municipal fish wharf] it's would be in contravention of Article 30 and D.C. would be in breach of it's agreement." Prompt removal of this vessel from the wharf will show that the District is serious about living up to its commitments.

Your prompt attention to this important matter will be greatly appreciated.

With kind regards, I am

Sincerely yours,

Herbert H. Bateman

Herbert H. Bateman
Member of Congress

HHB/jor

Enclosure

QUESTIONS TO BE ASKED VERNON S. GILL, ESQUIRE, INSPECTOR GENERAL, EXECUTIVE OFFICE OF THE MAYOR, DISTRICT OF COLUMBIA GOVERNMENT, AT THE JUNE 22,1989 HEARING OF U. S. HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA (1:00 P.M., H-301, The Honorable Julian C. Dixon, Chairman)

This Subcommittee is informed that a vessel registered only in the State of North Carolina which has no leasehold right to do business at the Municipal Fish Wharf, 1100 Maine Avenue, S.W., Washington, DC 20024 has been docked at the Fish Wharf for approximately four-hundred (400) consecutive days, seemingly in violation of 24 District of Columbia Municipal Regulations § 405.15 and 405.16, which limit such temporary docking to four (4) days at any time.

1. QUESTION: What do you personally know about the continued presence of this vessel at the Municipal Fish Wharf, seemingly inviolation of District of Columbia Municipal Regulations Title 24, §405.15 and 405.16?

2. QUESTION: What do you know about the District of Columbia's plans in September, 1988, to spend in excess of $300,000.00 of taxpayers money to install a new water system to provide water to this vessel, which had no leasehold right to do business at the Municipal Fish Wharf, which caused the Lessees of the Municipal Fish Wharf to obtain a Temporary Restraining Order and, then, a Temporary Injunction against Mayor Marion S. Barry, Jr. and the District of Columbia Government, which Injunction is still in place?

QUESTIONS TO BE ASKED MAYOR MARION BARRY, JR. AT JUNE 21, 1989 HEARING OF U. S. HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

1. This Subcommittee is informed that the Lessees of the Municipal Fish Wharf on Maine Avenue have a Lease with the D.C. Government and that they have exercised their option to extend this Lease through June, 1996. This Subcommittee is also informed that in September, 1988, without any prior consultation with the Lessees of the Fish Wharf, the D.C. Government announced that it was going to excavate extensively at the Wharf to install a new water system which would cost the taxpayers over $300,000.00 to provide water to a boat docked at the Wharf with no leasehold rights.

The Lessees of the Fish Wharf were obliged to sue you as Mayor and the D.C. Government to obtain, first, a Temporary Restraining Order, and, then, a Temporary Injunction, which is still in place.

QUESTION: Why was the D.C. Government going to spend over $300,000.00 to put in place a water system which was not needed and was not requested by the Lessees to provide water to a boat which had no leasehold rights to do business at the Municipal Fish Wharf?

2. This Subcommittee was informed in testimony presented to it in the Open Witnesses Hearings in 1988 and 1987 of the urgent need for better parking and traffic flow at the western-end of Maine Avenue, S.W., yet, to date, nothing has been done to improve parking and traffic flow there.

QUESTION: Does the Barry Administration have any plans to alleviate the traffic congestion and parking problems on the western-end of Maine Avenue, S.W., including for the Lessees of the Municipal Fish Wharf whose lease with D.C. Government runs through June, 1996?

3. This Subcommittee is not aware of any development project in the area of the Municipal Fish Wharf, including the "Portal Project" which is several blocks away and whose developers (Western Development Corp.) have confirmed to the Municipal Fish Wharf Lessees that Western Development Corp. has no interest in the Municipal Fish Wharf area.

QUESTION: Does the Barry Administration know of any "development project" as the term is used in the Municipal Fish Wharf Lessees' Lease with D.C. Government, Lease No. 914.903, Article 32. "RENEWAL", planned for the area of the Municipal Fish Wharf which would alter the Lessees right to occupy their Maine Avenue site through June, 1996?

Mr. **Dixon**. Mr. Elmore served some—not too many years ago as a distinguished counsel to the House Subcommittee on Military Armaments; is that correct?

Mr. **Elmore**. Military Public Properties. Mr. John Reilly and Chairman Kern.

Mr. **Dixon**. That was long before I was here. Go ahead if there are comments you want to add.

STATEMENT OF S. CHURCHILL ELMORE

Mr. **Elmore**. I would like merely, Mr. Chairman, to tell the committee that these businessmen who are the entrepreneurs in the fish business on the wharf entered into a lease, a valid lease with the District of Columbia drawn by the corporate counsel's office of the District of Columbia, and the next thing they knew, the government from whom they rented sent some mechanical devices down to the wharf to install a water line, tear up all their concrete for no purpose other than the apparent purpose of harassment.

They had to go to court. They spent a lot of money, but they got a temporary injunction, which is still outstanding, prohibiting the Mayor, Mr. Touchstone, and the District of Columbia from doing that again.

Mr. **Dixon**. Is that Mr. Touchstone's department?

Mr. **Elmore**. Yes; in the paper that I submitted, Mr. Chairman, that suit is described by its suit number and style.

Mr. **Dixon**. Is there some feeling that the District is trying to harass the tenants there to encourage them to move out?

Mr. **Oppmann**. Perhaps. We feel that there is a distinct possibility that developers may be looking at the fish wharf. There have been people posing as Federal employees who have come in. They are surveyors from a Virginia construction firm. I have confronted the people involved. They say they won't do it any more. I believe there are Federal regulations about posing as a Federal employee.

Their point is if we tell people who we are with, it will create a panic. It creates a panic otherwise. It is improper. We don't know what is going on, but it seems to be getting worse.

Our traffic specialist was here. He pointed out the need for improvement in the general area down there. Nothing has been done. When the helicopter crashed last year and was in the water, they couldn't get to it for over an hour. Boats have capsized; they cannot get to them for over an hour.

We would like to see better conditions for our patrons and for the general public.

The good news is that the District has determined there is no jurisdiction over the vessels. We are going ahead with voluntary compliance in terms of permits and inspections, so there is oversight until we can work out what the appropriate agencies are.

Instead of having a split at the dock's edge since title to the property is held by the United States of America, it might be better to put the whole thing under Commerce or the Smithsonian or National Park Service, Department of the Interior.

[The statement follows:]

S. Churchill Elmore
Attorney at Law

The Southern Building
805 15th Street N. W. Suite 600
Washington D.C. 20005
(202) 682-4082

July 19, 1989

The Honorable Julian C. Dixon
Chairman
House Appropriations Subcommittee
on the District of Columbia
Washington, D.C.

Re: Open Witnesses Hearing, July 19, 1989

Dear Congressman Dixon:

I appear on behalf of the Lessees of the Municipal Fish Wharf in Washington, D.C. to support their request for relief from administrative abuse by the Government of the District of Columbia, T. Rodney Oppmann, Esquire, being the attorney and legal advisor for said Lessees.

I appear merely to acquaint the Committee with the necessity placed by the Lessees of the Municipal Fish Wharf to file their suit against the District of Columbia, the Mayor Marion Barry, Jr., and John E. Touchstone, Director of the Department of Public Works for injunctive relief against said Defendants preventing them from a breach of the lease by and between the Lessees and the District of Columbia. The suit was filed in the Superior Court of the District of Columbia in September, 1988, the case number being Civil Action 88-9071 and which was styled B.R.W., Inc. t/a Captain White Seafood City, et al. v. the District of Columbia, et al.

By their complaint the Lessees as Plaintiff set forth the details surrounding the attempted illegal entry by the District of Columbia and its aforesaid Defendant officers in order to break up the concrete serving the Lessees' businesses and to install a water main which was not needed.

After a full hearing by the Honorable Cheryl Long, the Court granted its temporary restraining order prohibiting the District of Columbia and the other Defendants named in the complaint from proceeding with the plan to install a water main on the leasehold premises of the Lessee-Plaintiffs. Within a few days thereafter the Honorable Colleen Kollar-Kotelly heard the motion of Plaintiffs for a temporary injunction in respect to the aforementioned activity of the District of Columbia in its attempt to install a waterpipe throughout the area of the Plaintiff-Lessees. Upon the conclusion of a trial of over two days, the Court granted Plaintiffs' requested temporary injunction preventing the Defendants from continuing their efforts to install a waterline over the Fish Wharf property. Among the Court's conclusions were that such attempt by the District of Columbia constituted a breach of its lease with the Lessees and that the consummation of such waterpipe project would severely damage the Lessees. Furthermore, the Court found that there was no apparent purpose in installing such a waterline, the Lessees not being in need of additional water. The Court by its ruling from the bench expressed concern that the District of Columbia had offered its argument that its own lease, prepared by its office of the corporation counsel was against public policy.

As the members of this Subcommittee undoubtedly know, the obtaining of a preliminary restraining order and a temporary injunction is a difficult task for a litigant. That is because there are four standards to be satisfied. They are:

(1) Likelihood of irreparable harm to the Plaintiff in the absence of a temporary injunction;

(2) Likelihood of success on the merits of the underlying cause of action;

(3) That the "balance of injuries" favors granting the injunction; and

(4) That the public interest would be served by granting the relief sought.

In the case brought by the Lessees against the District of Columbia the Court found that each of the aforementioned standards had been met and satisfied by Plaintiffs.

The bringing of the action above-described was expensive for the Lessees and they do therefore seek of this Subcommittee its assistance in preventing further unnecessary and illegal harassment by the District of Columbia.

Respectfully submitted,

S. Churchill Elmore

SCE/lga

Mr. **Elmore**. It should be pointed out that the United States owns the property.

Mr. **Dixon**. Yes; I am familiar with that fact.

Mr. Gallo, do you have any questions?

Mr. **Gallo**. Thank you, Mr. Chairman. I didn't catch all of your testimony, but perhaps you can enlighten me on the installation of a water line?

Mr. **Elmore**. That was the subject of a suit and injunction.

Mr. **Gallo**. Are they putting in a water line?

Mr. **Elmore**. They were enjoined by the court. That is a temporary injunction and has not come to final hearing. It has been a year.

Mr. **Gallo**. Is water necessary there?

Mr. **Elmore**. It is not.

Mr. **Gallo**. Were they complying with a need for water?

Mr. **Elmore**. The court found to the contrary, that there is plenty of water there for them.

Mr. **Oppmann**. There was no prior consultation with the lessees as to what might be an appropriate season to conduct any such excavation work, what would be a down period, no notice given, just next Monday we start to dig up your premises. That is a little abrupt.

Mr. **Gallo**. Thank you.

Mr. **Dixon**. Thank you, gentlemen, for your testimony. Next year we will explore this to see what the problem is.

Mr. **Oppmann**. Thank you, Mr. Chairman.

Fire Department; Harbor Police; Public Schools

STATEMENT OF ROBERTA CHESNUT, PRESIDENT, CLEVELAND PARK CITIZENS ASSOCIATION

Mr. **Dixon**. Next we have Ms. Chesnut, who is the president of the Cleveland Park Citizens Association.

Ms. Chesnut, we welcome you to the committee. I see that you have a prepared statement. That statement will be submitted as part of the record, and if you would like to highlight it in 5 minutes, please feel free to do so.

Ms. **Chesnut**. I have a single sheet which I will be glad to read. I am president of the Cleveland Park Citizens Association. My comments are about several different issues, one the Fire Department.

Fire Station No. 28 at Connecticut Avenue and Porter Street, NW: Fire Chief Alfred was our speaker on December 3, 1988. He was advised by a followup letter of repairs needed and responded properly. There is a kitchen exhaust fan improperly installed right now. In the 1980's, there was a renovation that took place and the house was vacated during repairs. The health hazard has existed ever since. An exhaust fan was placed near the ceiling, rather than 1½ to 2 feet above the burners. Firefighters needed a healthy atmosphere, so they cut through the wall and placed a fan lower, an action violating code regulations. The fan needs to be replaced. A simple thing, but it has been going on for some time.

Water leakage from the roof: Last night I stopped by again, and I was shown the two pipes leading from the roof down. It seems that there is leakage because these pipes are stuffed with debris. The pipes leading from the roof are jammed with debris, so that water rises and bursts, leaking through window frames and through walls, disintegrating and seriously damaging wall plaster of an entire wall. This is a health hazard.

During winter months, ice forms on the pipes leaking water. That is a hazard as well, because it stops the flow. Immediate repairs are needed.

Another comment, firefighter entry conditions must return to higher qualifications. Tests have been lowered during the past 6 to 10 years, according to reports, so that more minority citizens can pass them.

I work in the Department of Education. I know what this means. This happens elsewhere. Both men and women firefighters must be adequately prepared mentally and physically for their vigorous demanding activities to save lives and property.

Stricter requirements are needed for firefighters to remain free from drugs. Not only this fire station but others have had employees who have been addicted, and I understand that by August 1, there will be some regulation in the city whereby this will be corrected. Hazards of handling equipment—under drugs, driving one of those huge trucks, hazards of handling equipment and driving trucks in our streets must be considered when drug cases are excused or overlooked which has been the case.

HARBOR POLICE

Harbor police patrol and CPR manpower: Recently the harbor patrol responded to a call having one man aboard. In an emergency, there may be nobody else to accompany this person who is on the call. However, many actions he has to take may endanger his life, so he needs a backup. He may even have a heart attack.

Of course, other jurisdictions may also respond, that is, the Coast Guard, Navy, and airport personnel. More men with CPR training are needed for the job. We have heard this elsewhere, as well.

PUBLIC SCHOOLS

This is my last comment concerning the schools. We have heard this type of thing in earlier comment, too. The D.C. school plans for discontinuing student use of music room and workshops: The D.C. government needs to consider what plan they can do to help students get away from drugs and other outside attractions and have something vitally important to them individually. As a person working in the Department of Education, I travel to schools, and I see Indian children who are in the schools, and because they have a sense of personal self-esteem because of their culture, they are more interested in applying that interest to school work.

It was reported recently at a meeting of the D.C. Federation of Civic Associations that this provision for student activity beyond any academic classes has been canceled. This is a request for resumption of this one very important outlet for student talent, time, and life enrichment.

These may be simple in comparison with the vital serious items brought up earlier. I have been glad to have been here these 3 hours to hear them and am glad to have the opportunity to offer this to you.

[The statement follows:]

July 19, 1989 1989-1990 BUDGET HEARINGS
Washington, D.C. Government

COMMENTS by Roberta Chesnut, President, Cleveland Park Citizens Association
Roberta L Chesnut

I. Fire Station # 28 (Connecticut Avenue and Porter Streets, N.W.)
(Fire Chief Alfred was our speaker on December 3, 1988. He was advised by a follow-up letter of repairs needed, and responded properly.)

A. Kitchen exhaust fan properly installed

In the 1980's renovation took place and the house was vacated during repairs. The health hazard has existed ever since. An exhaust fan was placed near the ceiling, rather than one and a half to two feet above the burners. Fire fighters needed a healthy atmosphere, cut through the wall and placed a fan lower, an action violating code regulations. Fan needs to be replaced.

B. Water leakage from roof

Pipes leading from the roof are jammed with debris, so that water rises and bursts, leaking through window frames and through walls, disintegrating and seriously damaging wall plaster of an entire wall. This is a health hazard. During winter months ice forms on the pipes leaking water. Immediate repairs are needed.

II. Firefighter entry examinations must return to higher qualifications

A. Tests have been lowered during the past 6-10 years, according to reports, so that more minority citizens can pass them. Both men and women firefighters must be adequately prepared mentally and physically for their vigorous demanding activities to save lives and property.

B. Stricter requirements are needed for firefighters to remain free from drugs. Hazards of handling equipment and driving trucks in our streets must be considered when drug cases are excused or overlooked.

III. Harbor Police Patrol Boat CPR manpower needed.

Recently the harbor patrol responded to a call, having one man aboard. In an emergency there may be nobody else to accompany the person responding. However, many actions he has to take may endanger his life, so he needs a backup. He may even have a heart attack. Of course, other jurisdictions may also respond, i.e., the coast guard, navy and airport personnel. More men with CPR training are needed for the job.

IV. D.C. School plans for discontinuing student use of music room and workshops

It was reported recently at a meeting of the D.C. Federation of Civic Associations that this provision for student activity beyond any academic classes has been cancelled. This is a request for resumption of this one very important outlet for student talent, time and life enrichment.

NOTE: This is the first time I have been before this Committee with my concerns, based on observations and conversations with those involved, as well as many years' educational, business, music, writing and civic experience.

OFFSET

Mr. **Dixon**. Thank you.

The Cleveland Park area, what fire station or stations service your area?

Ms. **Chesnut**. This is one block away from our library where we hold our meetings at Connecticut Avenue and Porter Streets.

Mr. **Dixon**. Isn't there a number identified——

Ms. **Chesnut**. Further up on Connecticut there is another one, about six to eight blocks up.

Mr. **Dixon**. I am sure the committee appreciates your testimony. There are two issues that I would just like to ask you about.

It is my understanding that there has not been any new hires for some time in the Fire Department, and there have been some lawsuits involved.

Second, are you testifying about specific uses of narcotics that you have reported to the appropriate authorities? I mean, it just seemed to be a blanket statement that you were making about firefighters using narcotics, and I was wondering what you were relying on to make that statement.

Ms. **Chesnut**. I stated here that they have been reported. This is because I have talked to those who have been involved, and there have been, and there are some in this station and in other stations.

You probably know more about how this is being handled for the August 1 decision whereby, as I understand it, those who are on drugs are given the opportunity to have some tests, and once they are clean, as they call it, they are not to go back on drugs, otherwise they will be fired.

But there have been cases whereby I understand some are off drugs and often come back on again and are still in the fire stations, and here it is. We know that we have got to have people free of drugs.

I have worked for 20 years in communities in Boston and here in the schools giving literature about this, so I am keenly interested in knowing how well they operate. Here is a man who works very hard in the Fire Department. He is a firefighter and is very conscientious. Here is a buddy on drugs. He wonders what is going to happen if he goes out with his buddy who is on drugs. So it is something to be considered.

Mr. **Dixon**. Mr. Gallo?

Mr. **Gallo**. No questions.

Mr. **Dixon**. Thank you, Ms. Chesnut.

Ms. **Chesnut**. Thank you, sir.

FIRE DEPARTMENT; POLICE; CORRECTIONS; PUBLIC SCHOOLS

STATEMENT OF MRS. L. LEN

Mr. **Dixon**. We have next Mrs. Len, who has been interested in the Fire Department for a very long time. She is testifying today about the quality of services in the Fire Department.

Welcome back to the committee, Mrs. Len. It is nice seeing you. I don't know if you have met Mr. Gallo, who is the ranking member.

Mrs. **Len**. Good afternoon, Mr. Chairman and Mr. Gallo. No relation to the wine companies?

Mr. **Gallo**. No; unfortunately.

Mrs. **Len**. You look healthy enough to be.

Mr. **Gallo**. Thank you.

Mrs. **Len**. They say nothing better than grapes for the blood.

Mr. **Dixon**. This was when you were sick.

Mrs. **Len**. They both came to see me.

Mr. **Dixon**. The fire chief and the police chief came to see you. Today you are going to testify about the Fire Department?

Mrs. **Len**. Your card was deeply appreciated.

Mr. **Dixon**. Thank you very much for acknowledging it.

Mrs. **Len**. I am glad you are back again from the elections last year.

Mr. **Dixon**. Thank you. Go right ahead.

Mrs. **Len**. Did you get a copy of the packet here? I wanted you to have a copy of this packet of paper.

Mr. **Dixon**. Yes; is this it? Yes; I have one, and we will get Mr. Gallo one shortly.

Mr. **Gallo**. I have one.

Mrs. **Len**. Mr. Miconi, good afternoon. I trust your wife enjoyed the flowers last year.

Mr. **Dixon**. Did you send Mrs. Miconi some flowers last year?

Mrs. **Len**. From your testimony I heard I did. I remember when it was presented to you by Ms. Chesnut. You said, well, Mrs. Miconi will enjoy these.

Mr. **Dixon**. I do recall that now.

Mrs. **Len**. I forgive you because they were directed to Mr. Miconi at his desk, but I understand that you directed them to his wife.

Mr. **Miconi**. Thank you, Mrs. Len.

Mrs. **Len**. Mrs. Marshall, local 36, fellow citizens, and to the patient lady here on my left, the congressional committee that is being talked about to be—to get together to update the Congress from time to time on problems with the District government or District government operations I hope will expeditiously be implemented, because I assure you, it will be constantly receiving from several of us documents that they should have.

PUBLIC SCHOOLS

The fiscal year 1990 budget has many concerns of which you should be apprised. The Education Department to piggy back on Ms. Chesnut, both the D.C. Federation of Citizens Association and the D.C. Federation of Civic Associations unanimously at their meetings 2 months ago approved and asked me to come here and request to this committee that the budget for the Department of Education, to reinstate the line item moneys for the music room and workshops, which is a place for an emotional outlet and to help keep young people off the streets. Having been in a high school orchestra for 3 years, I can appreciate what that means.

POLICE HARBOR PATROL

The harbor patrol, I was down there, and I cannot understand a police harbor patrol boat going out with only one officer. If he fell into trouble, he wouldn't have anybody to help him. It happens frequently because of manpower, I understand.

Now, 7, 8, 9 and 10 have to do with the police. We know the attrition program.

D.C. PRISON INMATES

The prisoners as of March, that the District government is paying for room and board, there are as of March, there are 700 prisoners throughout five States, and there is 1,857 prisoners being warehoused, as they call it, to the Federal Government which makes 2,557 prisoners, and we are paying $100,000 per day for that 2,557, and $36 million a year. We could bring home 2,500 prisoners, and with $36 million, I think we could care for them here.

POLICE DEPARTMENT

The graduation recently of the class, Mr. Chairman, you will be pleased to know, around 60 recruits for police was observed to be most encouraging in attitude, conduct and Assistant Chief Fulwood gave very extemporaneous remarks. He scrapped his notes that were given to him, and he did pay tribute to Chief Turner by saying if you oncoming policemen will follow in the shoes of Chief Turner, you won't go wrong.

Police cars need to have more room in the back.

Mr. DIXON. You mean to retire? That is what Chief Turner is doing, isn't he?

Mrs. LEN. You won't go wrong in your service to the community. The police need, I do not understand when a policeman gets out of a car, he is carrying a radio. Suppose he has to chase somebody? He is not only carrying that radio, but when he catches up with his suspect, what is he going to do with the radio?

I think we should get the latest state of the art which Capitol Police have, leave these radios. They are only ID's with the hoodlums around. They see them, have the shoulder, they can have a cover over the shoulder and hoodlums won't see them. They can have both hands free. Are you going to drop a very expensive radio and try to collar the suspect? You can't do both.

We have a fiasco Mayday situation at the District building and at 300 Indiana Avenue, police headquarters, with elevators that break down three times a week if once a week. I am getting involved in that with the Public Works Department and the Contract Department for these elevators. I have been caught in one myself for 2 minutes before the guards would even call the Fire Department to get us out.

AMBULANCE DIVISION

To the ambulance, all I can say is that the safety, as for the Ambulance Division, is headed for a shocking shakeup. And there is a document that came out about 1 month ago regarding what we can do to improve the ambulance service, and where the problems are, and I must admit in the seven pages single space, this is the finest recaptive seen come out of our District government on that subject. I will see that you get a copy, Mr. Gallo. I just couldn't put everything behind this today.

FIRE DEPARTMENT FLEET MANAGEMENT

The Fire Department Fleet Management Apparatus Division where the garage is, I remember saying 1 year ago, 2 years ago, we need twice the space and twice the number of mechanics. Chief Alfred has shown some good thinking on improving that and Deputy Fire Chief McCafrey has been implementing several plans that he has. I spent from 10 o'clock to 2:30 over there yesterday, and I met the gentleman, and I told them it has been 6 years since I have been here and what an improvement. Everything is so much better. We still have a long ways to go, however.

FIRE DEPARTMENT MANNING

Chairman Dixon, the manning situation is another Mayday situation facing us. We are going to lose around 12—10 to 12 top echelon Fire Department people within 60 days. We also are going to be losing down the ranks of firefighters. The Hazmat unit I have been fussing about for several years finally came on-board and is in operation, and I am very proud of it, and it is great. It is nice to be able to say things have been accomplished.

The ladder trucks, we have a ladder truck that has been with us for I don't know how long now, and we need to get it out on the street.

The promotion situation is still pending, as you know.

Mr. DIXON. Right.

Mrs. LEN. Do you remember for several years I pushed for aides for the battalion fire chief. Finally, we got the aides back, but they did not put funding in for these aides. This is a real—if you have ever, I invite you some time, the Lord willing you have the time, to come down to Engine Company No. 2 and have dinner with us one night, you and your committee members and see the deputy fire chief's office and his aide's office.

DISCONNECTING LIGHTS ON FIRE ALARM BOXES

That is the nerve center. They have to keep every slot filled 24 hours a day, and they are the coordinator for detailing firefighters over into communications and—well, anyway, both federations again, the citizens and the civic, have asked me to bring to you that they are very upset over the fact that suddenly a few months ago 1,500 of our red fire boxes that are on the streets are beginning to be deactivated by Pepco at the odds of the Fire Department.

If you go out at 2 o'clock in the morning, and you are in a panic, and you don't know which corner your box is, and the light isn't on above the box to tell you, and if it is you will find out they are beginning to make headway in deactivating these boxes.

You can't buy a life for $500,000, and we urge this committee—we spoke to the City Council about it, to the proper committee, and we have heard nothing. This is a lifeline to the community, these red boxes on the corner. Accidents happen in the middle of the block, they run to the box and ask for help, ambulance, and they even send the police force. You can get the police through the red box if there are no public telephones available.

Mr. DIXON. Mrs. Len, please try to summarize the rest of your statement in the next 2 minutes.

FIRE BOAT

Mrs. **Len**. The fire boat—the new pier is great. The fire boat, however, is in a Mayday situation again in that we only have one licensed pilot and one licensed engineer, but we have three platoons. So we need to be pushing to get two more licensed pilots and two more engineers, licensed engineers.

We have a little boat. When two people go out on the little boat, I commend you and thank you for whatever interest you had in seeing that we have 7,000 instead of 5 because we have been pushing for that for a few years.

When two go out on the little boat and there is only five left for the big boat, one is a pilot, one is an engineer. You come to find out the other three are detailed from somewhere else knowing little or beans about boating. This has to be looked into.

Mr. **Dixon**. Let me interrupt you, Mrs. Len, because I would like you to take the remainder of time to answer questions. You cite here, speaking about the police patrol boat, two officers per boat, a must. Is there some event that occurred where there was only one officer on the boat? What are you talking about there?

Mrs. **Len**. Chief Turner said, "Thinking ahead keeps us ahead." Let's not wait until one officer is out on a boat and there is an emergency——

Mr. **Dixon**. You are saying they are only staffing the police boat with one person?

Mrs. **Len**. For manpower reasons they are letting it go out with only one.

SCUBA TEAMS

Also, the scuba money could be waylaid somewhere, and we still don't have the scuba commitment.

Mr. **Dixon**. We put several thousand dollars in it.

Mrs. **Len**. We think it went to overtime. I am not saying for sure.

OVERTIME FOR FIREFIGHTERS

Mr. **Dixon**. Now, speaking of overtime, you have a document here, and according to your figures, and I have checked, and they are entirely accurate. You point out that there is *x* amount of overtime in the Fire Department from 1977 to 1989. Specifically, what is your point?

Mrs. **Len**. I was merely giving you that document in order to let you see the graduated escalation of overtime.

Mr. **Dixon**. I am aware of that, but were you trying to make a point?

Mrs. **Len**. Yes; for several years I have been coming up here reminding you folks that we got 98 positions and the slots should have been filled so we would not have so much overtime. We just had an ambulance accident today that were they not burned out—when I was at the Apparatus Division, I saw 10 ambulances that have been wrecks. The one hit today will take a long time to repair.

ENGINE COMPANY NO. 3

I must add that your own Engine Company No. 3, which is the first response to you folks——

Mr. DIXON. That is the one on Capitol Hill. The city was going to close that one.

Mrs. LEN. Yes; and every year you have been putting that in the law. Do you know that was 1 on a list of 10 brought up to you in 1982? I did not put that in the recommended ones that you visit, and please, I beg of you, it is just terrible, the code violations there, and what the men are living in. It is worse than anything that you folks saw at Nos. 12 and 26. I just can't beg you enough.

CITY MANAGEMENT

The home rule, we are not going to ever get ahead with our budget in this city, I don't care who runs it, a city manager or whatever, until the two federations get together to decide to come up here and request an amendment of the home rule itself. When the budget comes up to you people, line item after line item, you naively sit here and look at it and read it and approve it. It goes down off the Hill, and I declare to you in the middle of the year, $500,000 was taken 2 years ago from the apparatus from the fleet management garage. They moved it to the Personnel Department for the purpose of some kind of a consulting firm. You sit here and you see this money, and sometimes they hide money so they can go get it whenever they want to.

Mr. DIXON. You are onto them. My grandmother used to say, "There is many a slip between the cup and the lip." There is many a slip between a bill signed by the President and what occurs in the D.C. government; is that your point?

Mrs. LEN. Yes; Chairman Dixon, this is safety. I can let a lot of things by, but when it comes to firefighters and police officers being used and mistreated.

NEW REVENUE SOURCES

We also have untapped sources of revenue in this District. I have brought up several times to people and tried to get them get to the City Council, maybe now it is time to get it to you. We have two untapped sources of revenue. You go to Baltimore and try to make a delivery. If you don't have a sticker on your windshield, the policemen are watching for you. They look for Virginia, the District of Columbia. If they see D.C. people making deliveries, you will have to go right away and pay up before you leave the city.

Mr. DIXON. You have to have a commercial plate.

Mrs. LEN. Right. We do not have commercial plates here.

Mr. DIXON. What is the second one now?

Mrs. LEN. There are thousands of businesses from all over the United States who are coming in here to Washington who rent space in public commercial office buildings. You take a suite of rooms, and each room you have rented out to business firms throughout the United States, they have automobiles and are using our streets, and they are not paying a penny of occupational license. That is the Gospel.

Engine Company No. 3 is right now No. 1. The fire boat needs its staffing to be continued in upgrading.

Mr. **Dixon**. We will take a look at Engine Company No. 3. It is right around the corner.

Mrs. **Len**. I will come pick you up in a taxi any time.

Mr. **Dixon**. That is all right, Mr. Miconi will make arrangements for your transportation.

Mrs. **Len**. I will tip you off which would be the best to go. Some are easier to talk with than others.

Mr. **Dixon**. Mr. Gallo.

Mr. **Gallo**. Through their rent they pay taxes?

Mrs. **Len**. No.

Mr. **Gallo**. That is not the way it works?

Mrs. **Len**. In some instances.

Mr. **Gallo**. You mean there are buildings that are not paying taxes?

Mrs. **Len**. The buildings are, but the occupants are not. The building doesn't know what the occupants are doing. For instance, Chairman Dixon rents a suite of rooms for $5,000 a month, and he has 10 rooms in that suite.

Mr. **Dixon**. Then I sublet.

Mrs. **Len**. You rent to me, this lady——

Mr. **Dixon**. Don't forget Mrs. Marshall.

Mrs. **Len**. They can't be included in this. We have to leave politics out of it.

Mr. **Dixon**. But the person who holds the lease pays the landlord, and part of the fee that the landlord charges the lessee is for taxes.

Mrs. **Len**. Yes; but the person who holds the lease does not have to account to the District government for everybody that he is subleasing to. Therefore, the District government would have to put on extra staff if the tax office knew how many people they should be catching up with.

Mr. **Dixon**. The lease may or may not say you can sublease, but assuming you can sublease and the rent is being paid on the space, I don't see how the District is losing any money.

Mrs. **Len**. That is all right for what you are talking about, but when you take these people coming in from other areas, rather than the District, all over the United States, and they live here or in Maryland or Virginia, but they do business, they have an address and phone number here in the District and cars with no D.C. plates on, they are not required to have an occupational permit in their office. It is true, with this occupational permit that you can pick up thousands and thousands and thousands of dollars a year.

Mr. **Dixon**. I don't know how they have missed that one.

Mrs. **Len**. As long as they can get by, it is being missed or not missed. I have been here 30 years, and it has just mushroomed fantastically. I don't think it is fair for General Motors, using them as an example, to rent one office of a suite that you have, and then they don't have to pay an occupational license because you rent it, and it is in your name.

Mr. **Gallo**. Thank you very much. Thank you, Mr. Chairman.

Mr. **Dixon**. Ms. Len, I want to thank you for coming every year since I have been on the committee. And long before that, Mrs. Len has been very actively involved with the Fire Department. I know that many people in the Fire Department know you well. I am glad you have recovered your health and you are back with us.

APARTMENT DRIVEWAYS FOR EMERGENCY VEHICLE ACCESS

Mrs. LEN. Mr. Chairman, Mr. Natcher sat here 1 week ago, and when he was chairing before you, there was several times I did not have the courage to bring up to him a violation in the very building he was living in. The D.C. Code says that any apartment building that rents five or more units must dedicate its drive for emergency vehicles only. You go out Massachusetts Avenue and you will see like 4000 or 4100 Massachusetts Avenue, you will see the drive solid with cars parked. The ladder truck and the apparatus have no room to get their equipment out, and they want to put ladders up to the window, here are these cars all parked. There is supposed to be a sign, and there is a designation for what it is supposed to say, "No Parking Anytime, Fire Lane."

I blame it on the fire prevention because they are not enforcing it. If I was Mr. Natcher, I would go to my management code and say, "Look, it could be my apartment."

Mr. DIXON. I will talk to Mr. Natcher about it. Does he still live on Massachusetts Avenue?

Mrs. LEN. I have not checked up on him.

Mr. DIXON. He cast his 15,000th vote about 2 weeks ago.

Mrs. LEN. He was in good form here.

Mr. DIXON. He has never missed a vote or a quorum call since he was elected in August 1953.

[The information follows:]

AP [illegible]

Agenda July 19, 1989

U.S. Congress
Appropriation Committee
Chair J. Dixon
DC. FY'90

Mrs. L. L. Lee
P.O. Box 879
D.C. 20044 U-SA
(5466135 7751188)

1. Greetings
2. Thank You
3. Congressional Committee Proposed to Monitor D.C. Government
4. FY'90 Too many concerns of which you should be appraised
5. Education Dept. — Please return line items Piano Room and Work Shops
6. SAFety Police Harbor Patrol 2 officers per boat a must
7. Police 7—10
11. Public Works DC-Police Hdqs. -- A. Elevator c Fiasco (Hurst Blg.) B. STREETS - FIRE TRUCKS SLOW
12. SAFETY Fire Ambulance (12—13)
14. SAFETY Fire (14— 25)
26. Home Rule Comment Budgets From Hill cannot be altered unless go back to Hill for permission.
27. Untapped Revenue Source - All Deliveries must be made from vehicle with DC Commercial Plate + Bonded + Liability Ins. and all Business with DC address in office Blds must have occupational license
28. Thank You for your patience! Please stay SAFE
F.T. Buyers crawling through system everything in negotiation - Mayor is low

[February 1989]   03-02-89

DISTRICT OF COLUMBIA FIRE DEPARTMENT

Locations of Companies, Chiefs, Ambulances
Special Apparatus and Offices

Eng. 1 – Tr. 2 – BFC 2 – Amb. 24 – TAU #2 –
    Light Unit & Trailer. . . . . .2225 M St., N.W. 20037
Eng. 2 – Tr. 1 – DFC – Medic 11 – Field
    Communications Unit . . . . 500 F St., N.W. 20001
Eng. 3 – Amb. 15 . . . . 439 New Jersey Ave., N.W. 20001
Eng. 4 – RS 2 – Amb. 19 – Air Comp.– Metro Unit. . .2531 Sherman Ave., N.W. 20001
Eng. 5 – Canteen Unit* – TAU #2 (R). . . . . .3412 Dent Place, N.W. 20007
Eng. 6 – Tr. 4 – RS 1 – Amb. 5 . . . . .1300 New Jersey Ave., N.W. 20001
Eng. 7 – Salvage Unit. . . . . .1101 Half St., S.W. 20024
Eng. 8 – Amb. 7 – Medic 9 – Amb. 16. . . . . .1520 C St., S.E. 20003
Eng. 9 – Tr. 9 – Amb. 2. . . . . .1617 U St., N.W., 20009
Eng. 10 – Tr. 13. . . . . .1342 Florida Ave., N.E. 20002
Eng. 11 – Tr. 6 – BFC 4 . . . . .3420 14th St. N.W. 20010
Eng. 12 – Haz/Mat Unit – BFC 1 – Amb. 17. . . . . . .2225 5th St., N.E. 20002
Eng. 13 – Tr. 10 – Amb. 6 – Foam Units 1 & 2 –
    TAU #1. . . . . 450 6th St. S.W. 20024
Eng. 14 – Amb. 4 – Medic 18 . . . . .4801 North Capitol St. 20011
Eng. 15 – RS 3 – BFC 3 – Cave-In Unit – Amb. 12 . . .2101 14th St., S.E. 20020
Eng. 16 – Tr. 3 – BFC 6 – Amb. 14 . . . . .1018 13th St., N.W. 20005
Eng. 17 – .1227 Monroe St., N.E. 20017
Eng. 18 – Tr. 7 – BFC 7 . . . . 414 8th St., S.E. 20003
Eng. 19 – Tr. 16 . . . . .2813 Pennsylvania Ave., S.E. 20020
Eng. 20 – Tr. 12 – Amb. 8 . . . . .4300 Wisconsin Ave., N.W. 20016
Eng. 21 – Medic 1 . . . . .1763 Lanier Pl., N.W. 20009
Eng. 22 – Tr. 11. . . . . .5760 Georgia Ave., N.W. 20011
Eng. 23 – .2119 G St., N.W. 20037
Eng. 24 – Amb. 25 . . . . .3702 Georgia Ave., N.W. 20010
Eng. 25 – Amb. 26 . . . . .3203 Martin L. King Ave., S.E. 20032
Eng. 26 – Tr. 15. . . . . .1340 Rhode Island Ave., N.E. 20018
Eng. 27 – Gasoline Tank Truck . . . . .4201 Minnesota Ave., N.E. 20019
Eng. 28 – Tr. 14 – BFC 5. . . . . .3522 Connecticut Ave., N.W. 20008
Eng. 29 – Tr. 5*. . . . . .4811 MacArthur Blvd., N.W. 20007
Eng. 30 – Tr. 17 – BFC 8 – Amb. 10 & 13 – Medic 22. . 50 49th St., N.E. 20019
Eng. 31 – RS 4 – Amb. 20. . . . . .4930 Connecticut Ave., N.W. 20008
Eng. 32 – Medic 3 . . . . .2425 Irving St., S.E. 20020
Eng. 33 – Tr. 8 – Amb. 21 – Amb. 23 . . . . 101 Atlantic St., S.E. 20032
Fireboats #1 & #2 . . . . 550 Maine Ave., S.W. 20024
Fire Department Headquarters. . . . . .1923 Vermont Ave., N.W. 20001
    (Offices of the Fire Chief, Assistant Fire Chiefs, Special Assistants and ADM)
Bureau of Emergency Ambulance Services. . . . . . . .1018 13th St., N.W. 3rd Floor 20005
Fire Prevention Division. . . . . 613 G St., N.W., 8th Floor 20001
Police and Fire Clinic. . . . . #1 D.C. Village Lane, S.W. 20032
Apparatus Division. . . . . .1103 Half St., S.W. 20024
Property Section. . . . . .1923 Vermont Ave., N.W. 20001
Property Warehouse. . . . . .1338 Park Rd., N.W. 20010
Communications Division . . . . 300 McMillan Drive, N.W. 20001
Data Processing . . . . 300 McMillan Drive, N.W. 20001
Training Academy. . . . . .4600 Shepherd Pkwy., S.W. 20032
Emergency Ambulance Training Unit . . . . .2565 Georgia Ave., N.W. Suite 1115
    Miner Teachers College 20001
Community Relations Unit. . . . . 438 Mass. Ave., N.W. 20001

* Temporary pending completion of renovations

FMT 20+6 max
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Location of EAB Units

UNIT	ADDRESS	ENGINE	TELEPHONE	HOURS OF OP
Medic 1	1763 Lanier Place, N.W.	E-21 745 2221	745-2302	0630 & 1830
Amb. 2	1617 U St., N.W.	E-9 745 2209	745-2209	0900-2100*
Medic 3	X 2425 Irving Street, S.E.	E-32 745 2232	745-2303	0600 & 1800
Amb. 4	4801 North Capital St.	E-14 745 2214	745-2304	0600 & 1800
Amb. 5	1300 New Jersey Ave, N.W.	E-6 745 2206	745-2305	0700 & 1900
Amb. 6	450 6th Street, S.W.	E-13 745 2213	745-2306	0700 & 1900
Amb. 7	1520 C St., S.E.	E-8 745 2208	745-2309	1300 - 0100*
Amb. 8	4300 Wisconsin Ave, N.W.	E-20 745 2220	745-2308	0600 & 1800
Medic 9	1520 C Street, S.E.	E-8 745 2208	745-2309	0700 & 1900
Amb. 10	50 49th Street, N.E.	E-30 745 2220	745-2310	0630 & 1830
Medic 11	500 F St., N.W.	E-2 745 2202	745-2307	0900 - 2100*
Amb. 12	2101 14th Street, S.E.	E-15 745 2215	745-2215	0630 & 1830
Amb. 13	50 49 St., N.E.	E-30 745 2230	745-2310	1300 - 0100*
Amb. 14	1018 13th Street, N.W.	E-16 745 2216	745-2314	0900 - 2100*
Amb. 15	439 New Jersey Ave, N.W.	E-3 745 2203	745-2315	0900 - 2100*
~~Amb. 16~~	1520 C Street, S.E.	E-8 745 2208	745-2309	0600 & 1800
Amb. 17	2225 5th Street, N.E.	E-12 745 2212	745-2317	0700 - 1900
Medic 18	X 4801 North Capital St.	E-14 745 2214	745-2304	0630 & 1830
Amb. 19	2531 Sherman Ave, N.W.	E-4 745 2204	745-2301	0630 & 1830

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Amb 20	4930 Connecticut Ave N.W.	E-31 745 2231	745-2231	1300 - 0100*
Amb. 21	101 Atlantic Street, S.E.	E-33 745 2233	745-2233	0900 - 2100*
Medic 22	50 49 St., N.E	E-30 745 2230	745-2310	1300 - 0100*
Amb. 23	101 Atlantic St., S.E.	E-33 745 2233	745-2233	1300 - 0100*
Amb. 24	2225 M St. N.W.	E-1 745 2201	745-2311	0600 & 1800
Amb. 25	3702 Georgia Ave., N.W.	E-24 745 2224	745-2224	0700 & 1900
Amb. 26	3203 Martin Luther King, S.E.	E-25 745 2225	745-2225	0630 & 1830

Note: "*" indicates a power shift unit

* = 10 power shift units

"&" = 15 (24 hr)

"—" = 11 (each)

26

Total ambulance units = 26

Amb. (EMT) = 20

Medic Units (Paramedic) = 6

} 26

ard 1 4D. Med. Un. 1 — 745 2221 Engine 21 — 1763 Lanier Place N.W.

ard 2 2D Med. Un. 11 — 745 2202 Engine 2 — 500 7th Street N.W. -

ard ~~3~~ 6.30 ? — (From E 2 Med 11 could go to Ward 3. ENG. 30 Exchange and amb 8. to Eng 2)

ard 4 Med. Un. 18 — 745 22 14 Engine 14 — 4801 No. Cap. St. (Rock Creek Cemetery)

ard ~~5~~ ?

ard 6 5D Med. Un. 9. — 745 2208 Engine 8 (no Truck) AT A16 — 1520 "C" St. S.E. (D.C. General)

ard 7 ~~[illegible]~~ Medic 22 — Engine 30 AM A13 745 2230 — 50 49th St. N.E.

ard 8 7D Med. Un. 3 — 745 2232 Engine 32 — 2425 Irving St. S.E. (Garfield School)

FIREFIGHTING DIVISION / OVERTIME MEMBERS TO OTHER DIVISIONS

MONTH	E.A.B.				COMM. DIV.				GRAND	NOTES 198'	
MAY	D	N	T	MTD	D	N	T	MTD	TOTAL	ACCUM TOTAL	
1	3	0	3	3	1	0	1	1	4	4	
2	0	1	1	4	1	3	4	5	5	9	
3	0	0	0	4	1	3	4	9	4	13	
4	3	5	8	12	2	0	2	11	10	23	
5	5	3	8	20	4	0	4	15	12	35	
6	0	1	1	21	3	1	4	19	5	40	
7	6	5	11	32	4	2	6	25	17	57	
8	4	4	8	40	0	1	1	26	9	66	
9	2	6	8	48	1	3	4	30	12	78	
10	5	2	7	55	3	0	3	33	10	88	
11	7	1	8	63	4	1	5	38	13	101	
12	1	2	3	66	0	2	2	40	5	106	
13	2	2	4	70	1	5	6	46	10	116	
14	4	5	9	79	4	1	5	51	14	130	
15	3	2	5	84	6	2	8	59	13	143	
16	6	0	6	90	0	3	3	62	9	152	
17	3	0	3	93	0	0	0	62	3	155	
18	1	5	6	99	0	0	0	62	6	161	
19	7	2	9	108	4	1	5	67	14	175	
20	4	3	7	115	1	0	1	68	8	183	
21	14	5	$19^{4,684}$	134	2	0	2^{432}	70	21	204	
22	5	2	7	141	0	4	4	74	11	215	
23	3	5	8	149	0	0	0	74	8	223	
24	6	3	9	158	0	0	0	74	9	232	
25	5	6	11	169	0	0	0	74	11	243	
26	1	3	4	173	1	0	1	75	5	248	
27	2	5	7	180	0	0	0	75	7	255	
28	7	4	11	191	3	2	5	80	16	271	
29	1	0	1	192	4	0	4	84	5	276	
30	2	0	2	194	0	2	2	86	4	280	
31	6	4	10	204	2	1	3	89	13	293 ↓	
TOTALS	MTD 674		YTD 878		MTD 162		YTD 251			293	

31 Days: 15 were 10 or more (1 over 20)

293 X 12 hrs = 3,516 X 18 per hr = 63,288 for May 89

1989

Overtime
FY '77 → '89

D.C. Fire Department Overtime Costs
FY 1977 thru FY 1989

1977 - 2,770,100

1978 -

1979 - 2,124,800

1980 - 1,173,600

1981 - 544,600 (Too Low)

1982 - 3,775,700

1983 - 2,506,000

1984 - 4,138,000

1985 - 7,711,000

1986 - 8,369,000

1987 - 10,391,000

1988** - ~~2,106,000~~ 14,000,000

1989** - 2,406,000

48,015,800

7

*No Figures Available
**Projected

July '84 To be 12 million

CHAPTER 3. FIRE DEPARTMENT.

Sec.
4-301. Area of service; division of District into fire companies; approval required for major changes in manner of fire protection.
4-302. Appointments and promotions covered by civil service; selection of Fire Chief and Deputy Fire Chiefs; original appointment and transfer of privates; vacancies.
4-303. Age limits in original appointments.
4-304. Composition; 2-platoon system; services of veterinary surgeon; attendance by police surgeon.
4-305. Workweek established; hours of duty; days off duty; holidays.
4-306. Appropriations for uniforms and other equipment.
4-307. Resignation without notice; engaging in strike; conspiracy to obstruct operations of Department.
Sec.
4-308. Firefighting Division — Recording annual and sick leave.
4-309. Same — Accruement of annual leave; adjustment of accumulated leave; transfers; maximum accumulations.
4-310. Restrictions on leaving District, or being absent from duty; right to reside within District.
4-311. Extra equipment authorized for volunteer fire organization.
4-312. Use of certain buildings granted.
4-313. Construction of apparatus.
4-314. Reciprocal agreements for mutual aid; availability of personnel and equipment to federal government; service performed in line of duty.
4-315. Services to District institutions located outside the District.
4-316. Emergency ambulance service fees.

§ 4-301. Area of service; division of District into fire companies; [redacted]

The Fire Department of the District of Columbia shall provide fire prevention and fire protection within the geographical boundaries of the District of Columbia. The District shall be divided into such fire companies, and other units as the Council of the District of Columbia may from time to time direct. [redacted] 1906, 34 Stat. 314, ch. 3443, § 1; 1973 Ed., § 4-401; Apr. 7, 1977, D.C. Law 1-111, § 2, 23 DCR 9384.) [illegible]

Cross reference. — As to territorial area of District, see § 1-101.

Legislative history of Law 1-111. — Law 1-111 was introduced in Council and assigned Bill No. 1-377, which was referred to the Committee on Public Safety. The Bill was adopted on first and second readings on July 27, 1976 and September 15, 1976, respectively. Enacted without signature by the Mayor on January 7, 1977, it was assigned Act. No. 1-198 and transmitted to both Houses of Congress for its review.

Discrimination in service unfounded. — A claim that the District of Columbia had discriminated in the provision of municipal services failed to show substantial differences in services provided to a section of the District which was 90% black as compared to area which was 98% white. Burner v. Washington, 399 F. Supp. 44 (D.D.C. 1975).

§ 4-302. Appointments and promotions covered by civil service; selection of Fire Chief and Deputy Fire Chiefs; original appointment and transfer of privates; vacancies.

The Mayor of the District of Columbia shall appoint, assign to such duty or duties as he may prescribe, promote, reduce, fine, suspend, with or without pay, BY:MAYOR : 3-28-89 4:00PM : 23758→ [illegible]

NEWS NEWS NEWS

Government of the District of Columbia

D.C. Fire Department RELEASE

FOR IMMEDIATE RELEASE
Tuesday, March 28, 1989

CONTACT: GWEN SMITH
748-2331

LIGHTS ARE REMOVED FROM FIRE ALARM STREET BOXES

At the request of the Fire Department, the Potomac Electric Power Company has begun disconnecting the 110 volt AC power lines that operate the lights on fire alarm street boxes. The removal of this electrical power is being performed for safety reasons and has nothing to do with the operation of the fire alarm box, officials explained.

In the past, if the wiring loosened or a short circuit occurred, the entire metal fire alarm box could become electrically charged and could cause an electric shock to an individual trying to use the alarm box. Without the lights, there is no fear of such shock, and officials believe the color of the box is sufficient to identify it without a light on top.

By removing the lights, the Fire Department expects to save about $100,000 per year on maintenance, changing bulbs, and cost of electricity, replacements and parts. The project is scheduled for completion in one year.

##

1923 Vermont Avenue, N.W.
Washington, D.C. 20001
745-2331

MEMORANDUM

Series	Number	Originating Unit	Effective Date	Expiration Date
1989	22	CD	March 14, 1989	N/A

Subject:

Removal of Lights From Fire Alarm Street Boxes

FOR THE INFORMATION OF THE DEPARTMENT

At the request of the Fire Department, the Potomac Electric Power Company has begun the process of disconnecting the 110 volt AC power that operates the designation lights on fire alarm street boxes. The removal of electrical power is being performed for safety reasons and has nothing to do with the operation of the fire alarm box.

It is estimated that the project will be completed in one (1) year.

R. Alfred
Fire Chief

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 89-69
March 31, 1989

SUBJECT: FIRE TRIAL BOARD PROCEEDINGS

ORIGINATING AGENCY: DISTRICT OF COLUMBIA FIRE DEPARTMENT

PAUL K. PINKSTON, a Firefighter in the District of Columbia Fire Department, D.C. was tried on December 4, 1984.

#1: Violation of Article VI, Section 4 of the Rules and Regulations of the District of Columbia Fire Department, which states, "Members shall refrain from conduct prejudicial to Departmental reputation, in order, or discipline, and any member who, without good and sufficient cause, persistently refuses or habitually fails to pay debts incurred while in the service of the Department shall be charged with violation of this rule."

#2: Violation of Article VI, Section 6 of the Rules and Regulations of the District of Columbia Fire Department, which states, "Members shall not place themselves under the influence of intoxicants; nor use intoxicants in any form while on duty; shall not report for duty under the influence of intoxicants; not permit the presence of intoxicants in, or on, any property used or occupied by the Fire Department; nor use any drug or compound likely to unfit them for duty unless such use be permitted by a member of the Board of Surgeons.

#3: Violation of Article VI, Section 8 of the Rules and Regulations of the District of Columbia Fire Department which states, "Members shall refrain from immoral conduct, deception, violation, or evasion of law or official rule, regulation, or order; and from false statements."

-2-

#4: Violation of Article VI, Section 2 of the Rules and Regulations of the District of Columbia Fire Department, which states: Members shall devote proper attention to the service; exert their greatest energy and full ability in the performance of their duties, not perform their duties in a spiritless, lax, surly, or careless manner, not neglect nor fail to perform any portion of their duties required by rule, regulation, order, common practice, or the necessities of the situation involved; avoid connection with any clique tending to interfere with good order; be efficient; exercise proper judgment in the performance of their duties.

#5: Violation of Article VI, Section 10 of the Rules and Regulations of the District of Columbia Fire Department which states: Members shall report for duty at the proper time and place.

#6: Violation of Article VIII, Section 10, Subsection 1 (c) of the Rules and Regulations of the District of Columbia Fire Department which states in part: Members shall, if living within the District of Columbia, have telephone facilities acceptable to the Fire Chief for being called when off duty.

Firefighter Pinkston was found guilty of Charge No. 1, Specification No. 1, Charge No. 2, Specification No. 1, Charge No. 3, Specification No. 1, Charge No. 4, Specification No. 1, Charge No. 5, Specification No. 1, and not guilty of Charge No. 6, Specification No. 1. The Fire Chief has affirmed the FTB's recommended penalty to removal from the service and five (5) days' pay ($593.34).

Upon consideration of the testimony and proceedings in the case it is hereby

ORDERED:

#1: That the FTB's findings of guilty as to Charge No. 1, Specification No. 1, Charge No. 2, Specification No. 2, Charge No. 3, Specification No. 1, and Charge No. 4, Specification No. 1 be reversed.

#2: That the FTB's findings of guilty as to Charge No. 5, Specification No. 1 and not guilty as to Charge No. 6, Specification No. 1 be affirmed.

#3: That the penalty of removal from the service for guilty findings as to Charge No. 1, Specification No. 1, Charge No. 2, Specification No. 1 and Charge No. 3, Specification No. 1 be set aside.

#4: That the penalty of 1/2 days' pay for a finding of guilty as to Charge No. 4, Specification No. 1 be set aside.

#5: That the penalty of the five (5) days' pay ($593.34) for a guilty finding on Charge No. 5, Specification No. 1 be upheld.

BY ORDER OF THE MAYOR OF THE DISTRICT OF COLUMBIA

Teri Y. Doke

TERI DOKE
ACTING SECRETARY OF THE
DISTRICT OF COLUMBIA

A (Holiday) Recipe

the Epitome of a Person! or For numerous occasions

4 cups of LOVE
2 cups of LOYALTY
3 cups of FORGIVENESS
1 cup of FRIENDSHIP

5 spoons of HOPE
2 spoons of TENDERNESS
4 quarts of FAITH
1 barrell of LAUGHTER

Take love and loyalty.
  Mix it thoroughly with faith.
Blend it with tenderness, kindness
  and understanding.
Sprinkle abundantly with laughter.
  Bake it with sunshine.
Serve daily with generous helpings.

SOMETHING TO THINK ABOUT

The Government is my shepherd, I need not work.

It encourageth me to lie down on a good job.

It leadeth me beside the still factories.

It destroyeth my initiative, and confiscateth my earnings.

It leadeth me to the path of a parasite, for politics sake.

Yea, though I walk through the valley of deficit spending.

I will fear no evil, for the Government is with me.

Its Social Security and its price supports, they comfort me.

It promiseth an economic utopia, and appropriateth the earnings of my grandchildren. It filleth my head with the false security of a dream-world,

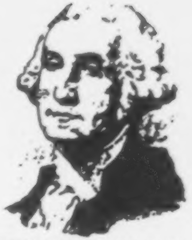
Until my inefficiency runneth over.

Surely the Government will care for me, all the days of my life,

And I shall dwell in a fool's paradise forever.

The American Bicentennial Presidential Inaugural

1789-1989



For the month of April, we are commemorating the bicentennial of the presidency of George Washington. Our first president was inaugurated on April 30, 1789, in New York City. On this page, we are presenting excerpts from his correspondence from the period. These excerpts trace his thoughts and feelings as his name was bandied about for the office, to his reluctant acceptance of the position he felt it his duty to occupy.

The following is taken from a compendium of his correspondence and speeches entitled *George Washington: A Collection*, edited by W.B. Allen (available for $15 from Liberty Library, 300 Independence Ave. SE, Washington, D.C. 20003).

Allen complements the fine editing job he has done with some pertinent explanatory material, an example of which appears below. Following this is a speech by Washington on the occasion of his departure from Alexandria, Virginia to begin his journey to New York.

Inauguration: *The Constitutional Convention had recommended that the Confederation Congress set the place and time to commence proceedings under the new Constitution. They set the first Wednesday in January as the date by which presidential electors had to have been chosen in the states. Electors were to meet and cast their votes on the first of February. The sessions of the Senate and the House of Representatives would open the first Wednesday in March. New York was chosen as a provisional capital.*

On April 14, Charles Thomson, secretary to Congress, handed Washington a letter from John Langdon, president pro tempore *of the Senate, stating that Washington had been unanimously elected president of the United States. He left Mount Vernon on April 16, 1789 and bade farewell to his friends and neighbors in Alexandria. He arrived at New York on April 23.*

The Senate and the House of Representatives completed the plans for the inauguration and ceremony on April 27. The event followed on April 30. Shortly after noon, on the balcony of Federal Hall in front of the Senate chamber, the oath of office was administered to Washington by Robert R. Livingston, chancellor of the state of New York. Washington then addressed his assembled countrymen.

TO THE MAYOR, CORPORATION, AND CITIZENS OF ALEXANDRIA

[Alexandria, April 16, 1789]

Gentlemen:

Although I ought not to conceal, yet I cannot describe, the painful emotions which I felt in being called upon to determine whether I would accept or refuse the presidency of the United States.

The unanimity of the choice, the opinion of my friends, communicated from different parts of Europe, as well as of America, the apparent wish of those, who were not altogether satisfied with the Constitution in its present form, and an ardent desire on my own part, to be instrumental in conciliating the good will of my countrymen toward each other have induced an acceptance.

Those, who have known me best (and you, my fellow citizens, are from your situation, in that number) know better than any others that my love of retirement is so great, that no earthly consideration, short of a conviction of duty, could have prevailed upon me to depart from my resolution, "never more to take any share in transactions of a public nature." For, at my age, and in my circumstances, what possible advantages could I propose to myself, from embarking again on the tempestuous and uncertain ocean of public life?

I do not feel myself under the necessity of making public declarations, in order to convince you gentlemen of my attachment to yourselves, and regard for your interests. The whole tenor of my life has been open to your inspection; and my past actions, rather than my present declarations, must be the pledge of my future conduct.

In the mean time I thank you most sincerely for the expressions of kindness contained in your valedictory address. It is true, just after having bade adieu to my domestic connections, this tender proof of your friendship is but too well calculated still further to awaken my sensibility, and increase my regret at parting from the enjoyments of private life.

All that now remains for me is to commit myself and you to the protection of that beneficent Being, who, on a former occasion has happily brought us together, after a long and distressing separation. Perhaps the same gracious Providence will again indulge us with the same heartfelt felicity. But words, my fellow citizens, fail me: Unutterable sensations must then be left to more expressive silence: while, from an aching heart, I bid you all, my affectionate friends and kind neighbors, farewell.

ABORTION

STATEMENTS OF:

DARIA WINTER, VICE CHAIRMAN, D.C. DEMOCRATIC STATE COMMITTEE

RUTH NORTON, D.C. DEMOCRATIC STATE COMMITTEE

Mr. DIXON. Next we have T.J. Houston, first vice president of the D.C. Federation of Civic Associations. He is not here.

Next we have L. Manor, whom I understand is not here. Dr. Chatman, he is not here.

Our next witness then is Ms. Daria Winter, vice chairman of the D.C. Democratic State Committee. I understand you are going to testify on the subject of abortions. Do you have a prepared statement?

Ms. WINTER. Yes, I do, Mr. Chairman. With me is Ruth Norton, also a member of the Democratic State Committee.

STATEMENT OF DARIA WINTER

At the last meeting of the D.C. Democratic State Committee, a special motion was passed urging the Executive Committee to make the views of the committee on the right of women in the District of Columbia to have access to abortion and on home rule in the District of Columbia known in every possible forum.

The District of Columbia has 628,500 residents; of these, 275,175 are registered voters. Of these voters, 217,142 are Democrats. We are here to speak for the Democrats of the District. For us who favor freedom for the District of Columbia, this issue raises grave concerns.

We take strong issue with the Members of the U.S. Congress on the question of how we may spend moneys derived from our tax dollars paid directly to the District of Columbia. We believe that it is our right as citizens of the United States to determine those laws which govern us most directly. For us it is a matter of freedom.

Having said that, we also think it is particularly wrong for the Congress to determine a matter so close to the health and welfare of the thousands of women in the District of Columbia and the health of their children. It is wrong to impose upon us the religious convictions of those who do not live here, have their babies here, or pay taxes here. Nor do they have to watch the suffering or pay the cost of unwanted, sick, and economically deprived children. Moreover, they do not have to bear the cost of health for sick women who are forced to carry babies to term regardless of their health or the conditions under which they became impregnated, that is, rape or incest.

The right to a safe and legal abortion is only a right if those who cannot afford to purchase this procedure can get financial assistance to do so. We find it particularly objectionable to force unwanted pregnancies on the poorest of women and to force these women back into back-alley butcher shops to have an unwanted pregnancy ended. When one considers that we are a majority black city and that 62 percent of the women who had abortions in 1987 were black, this recent action by Congress has racial, as well as economic, implications. Of course, those who can afford it will have health care plans to provide for safe dilation and curettage to be performed by physicians in the sterile conditions of a hospital.

It is especially ironic that some Members of Congress seek to make abortion a criminal act in the District of Columbia, while, at the same time, Congress expresses grave concern over crime in the District. That legislation would create a whole new class of criminals—desperate women seeking abortion and decent health providers trying to keep abortions safe. I can only hope that this misguided effort to criminalize abortion in the District of Columbia will be soundly defeated by the Congress.

We are working hard as citizens to solve the problem of high infant mortality; the District has the highest rate of all 50 States. One cause for the soaring rate is low birth weight babies born to young teenage mothers. Interestingly enough, statistics show that 21 percent of the abortions reported in 1987, the most recently reported year, were for girls 15 to 19 years of age; some 2 percent of those receiving abortions were under the age of 15.

We are working hard as citizens to provide for homeless children, children who are living in shelters because decent, safe, and affordable housing is not available on the commercial housing market and because we cannot count on the executive branch to help develop the kind of housing that is needed in the District of Columbia or anywhere else in the Nation.

We share your concern about drugs and death-dealing drug dealers, but sadly we have learned that women who have unwanted pregnancies and cannot afford abortions can get cocaine. These women have learned that cocaine induces abortion, and now we are seeing women entering our emergency rooms who cannot afford abortions, who cannot get medicaid funding, resorting to cocaine as a way out of these problems.

AIDS is a major problem here, as it is in other American cities and increasingly in smaller towns. Most tragic is the birth of children to mothers with AIDS. They will have been condemned to disease and a painful death at birth. How callous of those who say they have respect for life to ignore these problems and piously condemn those who seek abortions when they know they cannot responsibly take care of the children born under these circumstances. Mr. Chairman and members of the committee, we urge you to visit the wards of D.C. General where these babies can be found. There you can witness their pain and suffering.

Recently, we celebrated the 200th anniversary of the signing of the Constitution of the United States by its framers in Philadelphia. These Founding Fathers, in an attempt to avoid concentrating power in one authority, sought to create a republic in which the citizens would be sovereign. The citizens would be the ultimate power. This restrictive language undermines this fundamental sovereignty of the citizenry guaranteed by the Constitution. Congress should not use the District of Columbia to make points with constituents when it cannot affect Members in their home districts.

Mr. Chairman, members of the committee, we urge you to report a District of Columbia appropriations bill to the floor unmarred by this restrictive language. There is a rising tide of anger in the District against those who would use this community and its citizens as examples to others. We urge you to consider that the best government is self government, and the citizens of the District of Columbia are certainly entitled to that most basic right guaranteed every American. Your action on this matter will make an important point to those in your home districts who care strongly about this issue. We, on our part, will be certain they know about it.

Thank you so much.

Mr. DIXON. Ms. Winter, thank you very much for your testimony. I was out part of the time, and I looked down the list, and I see that the other side of the issue was aired earlier today with Nellie Gray, who is president of the prolife group. Obviously this issue has a long history with this committee. I am very sympathetic toward your views. You have obviously touched on the most divisive issue in our society today.

You will probably recall the nightmare last year, where we had three conferences on this issue. It has been the practice of this committee to insert language that says "no Federal money shall be used." When the bill gets to the House floor, amendments are adopted placing restrictions on local funds. That is why last year we had three conferences on this issue.

I don't know what the intention of anyone is this year. It is my reading of the court decision in the *Webster* case that the court would appear to side with you and what citizens of the District have been saying and that is it is a matter of local choice, State jurisdiction, if you will. So I don't know what Ms. Gray said or what other Members of Congress will say when the court has said that it is a matter of local choice. I am very sympathetic to your point of view. I consider myself on your side.

I would only disagree with you on one issue that perhaps you inferred, and that is that it is a Democratic or Republican issue when you said that "I represent the Democrats." I don't really perceive this as a Democratic or a Republican issue. I don't know that all Democrats agree with you. I agree with you, but it is not because I am a Democrat. I think you make a valid point. I am sure Ms. Gray was as articulate on the other side. It is the most divisive issue in our society today.

Mrs. NORTON. The point was also made by Roseann Wisman from Planned Parenthood. We ascribe to her testimony. We would like to inform the committee that a coalition is forming in the District of Columbia that includes a wide range of supporters from church groups, NAACP, and other groups in the city. We are very concerned about this issue, we are concerned for our fathers and for ourselves.

Mr. DIXON. Let me just suggest to you that since you are activists, the Fire Department uses a very good technique. When they have an issue they want to press upon me, whether I agree with them or not, they get the Fire Department in my local community, who may not know anything about the local issue, to contact me.

So I think the work is cut out for you, that you have to get people of your persuasion to contact Members of Congress, not so much in this committee, but in general. You have that kind of muscle. Both sides now are saying they are going to get organized, and I think that is a fair technique.

Mrs. NORTON. I worked in Louisville, KY, for a number of years. I hope I can get some of my friends there to convince Mr. Natcher.

Mr. **Dixon**. Mr. Gallo.

Mr. **Gallo**. I just want to thank you for your testimony and echo your remarks concerning the court decision. Whether you favor it or not, I think it reflects the rights of States and cities for self-determination.

I would assume, as it has in the past, this committee will send out a clean bill on that.

Mr. **Dixon**. Thank you, ladies.

ST. ELIZABETHS HOSPITAL

STATEMENT OF ADNAN HAIDER, D.C. RESIDENT

Mr. **Dixon**. Our next witness is Adnan Haider. The subject that you intend to address is St. Elizabeths Hospital. Mr. Haider, if you have written testimony, we will be pleased to receive it for the record. If there is something you would like to highlight, you have 5 minutes to do that.

Mr. **Haider**. I am here to present what is going on at St. Elizabeths Hospital.

As a statistician myself, with quite a few years living in the Washington, DC, area, because I got my degree in this area and I have lived and worked here, it looks to me like one-half right is wrong, especially in the case of a fatality of a person. The people in St. Elizabeths Hospital, it looks to me, either don't know what they are doing or they are doing their best, and under the best circumstances they don't have it.

I really have to let you know that I am concerned because I have a son there. He was a medical student, and he got to be unlucky enough to be taken from George Washington University to the hospital, where he is now a resident for the last 2½ years. I never thought that what I had been told is reality, that they are playing games with the patients.

As a statistician, I did calculated probably they are playing games. It looks to me like they don't know what they are doing. How you can believe that such an incident happens to a patient when he is going to get leave to court on a date which has been set for him, just like this to happen to that patient, dropping out the psychiatrist who is treating him, changing the accommodation of his living from one place to another, bringing him a psychologist to test him and tell him in reality that you are still sick, and you have brain damage in that period, bringing a camera to take pictures, and it is prohibited to take a picture in that accommodation without taking any agreement from anyone who is guardian or anything like that. I want to have that cassette seen by the Congress, and I want a copy of that for court reasons.

Then they provoke his anger, and they tell me my son is not ready to go.

The point is that even the private psychologists are another kind of butcher. They get $3,000 for 2 minutes. Here when they find out that the patient is coming into this situation, they say, what can they do? I want to put the following things in your attention.

First of all, how can we really calculate their effectiveness? I can tell you how, but I want you to think about it. What and how can we really tell about what the patients are receiving? Nobody knows. The hospital does not allow itself to give any kind of medical report for any reason.

I gave you examples in my written comments that they don't now how to do a medical report. I cannot believe it. I gave you serious examples. This hospital, if it is going to be in front of the court, they cannot defend themselves in no way. I do believe that most of the staff needs to be tested for most diseases, mental diseases, and AIDS. The doctors themselves are half sick. Most of them are corrupted. They need to be treated.

These are the things I want to be presented. My son, as well as the other patients, are treated like dogs. They are in bad shape. I want to see how to get him out. I am really an American for the last 20 years or so. I do understand what is freedom as good, and maybe better, than you do because I really survived, and I do understand how the people outside, when they lose the freedom, including myself, when I did. You people will take freedom for granted. For me it is a different story.

So I want you to act, please, and I am ready for any help in all directions. My son really is looking for your action now.

Thank you very much.

By the way, when I presented the situation, I did not want to tell you that five medical doctors work under my supervision in my company. Therefore, I know exactly what they are doing in this capacity. They do not have any capacity of research. They don't know what they are doing. They don't know what is the reason for that sickness.

Would you believe that in 1 year 10 psychiatrists have been assigned to my son? I listed their names. This is money given to kill our kids exactly in different ways from an overseas dictator killing our kids thinking they are doing good. We are doing it in a different way. We don't know we are doing it.

Efficiency is zero, $300,000 has been spent for my son in the last 2½ years. The effect is zero. This is paid from citizens, from our pockets. I want you to do something please.

Mr. DIXON. Mr. Haider, looking at the various correspondence here, your son is an in-patient at St. Elizabeths Hospital. It would appear from the correspondence that you are not happy with his progress nor the prognosis by the physicians. Is that generally what it is?

Mr. HAIDER. I will tell you one thing, due to the fact of my correspondence with him, it helped him a lot. For your information, all he had in that time, I don't want to put so many personal things in this thing, but he was not as sick as they never discovered at all. In fact, what they are doing is they are playing football with every patient, including my son. Bring him to have a goal and tell him penalties. Can you believe that after giving him all that trouble, he has been provoked to anger.

So I pressured them. They respect me for sure. They do most of the things that I try to communicate with them. They think I am too much, so they try to keep me quiet. But look what they did. He came back, for 90 percent of what he was before. Do you know why? One of the technicians, the medical doctor told me exactly, let the ego of the technician go along.

I said I was not concerned with the ego. You put my son into seclusion, nude, for two nights for no reason for the ego of a technician. I am not saying that because the technician is black or white. There are blacks that are more white than the ugliest white. There are whites that are worse than the worst black. We don't consider black and white in this issue.

I said, "Let me talk to this guy." They never wanted to tell me what his name was or what he did to my son. All they said is, "We are sorry this happened. It will never happen again." Can you imagine such a thing for a father to accept from a hospital to do something like changing a medical doctor, a psychiatrist, 2 weeks before the appearance in the court?

I am telling it from his mouth to you, to all of you. He said, look, I am not black and I am not white. I am an Egyptian-American. I don't know where I am going to be located, and they are pushing on me because you are an Arab, that I am doing something good for your son. I am saying whatever they think. The hell with you, if you are telling me something which I want you to do against my son.

I want you, sir, to tell me my son is still healthy or unhealthy. He said, "He is very healthy," but they don't accept it from me because I am an American-Egyptian. I said I am an American-American. I am not an American-Arab now. My son was born in America. He is an American-American. I said I did not try antidiscrimination yet, because I am an American.

Can you believe such a thing? This is—I can record it to you on my full responsibilities. Such kind of easy-going personalities—for example, on personalities. I want you to do something for my son and the others. I have been under this pressure for 2½ years. My wife and my son I sent overseas due to the fact that I am telling you that I gave them freedom because of not giving it, taking it. Too many Americans do not understand that. Because they live and they took it for granted, but I did not.

Mr. **Dixon**. How long has your son been at St. Elizabeths?

Mr. **Haider**. He is doing as good as you or me. Believe me, the accommodations they are putting him under, if they put me I would get much worse than he is and he is really in excellent condition.

Mr. **Dixon**. Is he under a court order.

Mr. **Haider**. To go to the hospital he is under a court order. He had admission at George Washington University to continue his education in medical engineering in the fall and they are crazy to prevent him from going to finish his education.

Mr. **Dixon**. Is that court order based on a charge of a crime?

Mr. **Haider**. That is right.

Mr. **Dixon**. And he either pled or was found criminally insane.

Mr. **Haider**. If I tell you what happened I would have to spend 2 hours.

Mr. **Dixon**. I don't mean for you to do that but he would have to go back to court and then if there was a finding of sanity, he would be exposed to a criminal trial at that point.

Mr. **Haider**. They brought the psychologist and the psychologist recommended him to go to school. This independent psychologist, I did not pay for him.

Mr. DIXON. Mr. Haider, I am asking you these questions because I was going to inquire into the case and I wanted to be sure that I understand. So he was found by the court to be criminally insane.

Mr. HAIDER. No; they called it—he is not guilty by reason of insanity. That is right.

Mr. DIXON. So if there were to be a different finding he would have to stand trial?

Mr. HAIDER. No; that is finished. He is not guilty because of insanity and now he is in the hospital and he has been treated for 2½ years.

Mr. DIXON. Is he represented by an attorney?

Mr. HAIDER. Yes; a public defender, that is right.

Mr. DIXON. Do you know who in the public defender's office represented him?

Mr. HAIDER. In fact, yes, I know him.

Mr. DIXON. Would you tell us his name?

Mr. HAIDER. Pat Anthony. Even Mr. Anthony could not believe the change. They changed the medicine. They admitted they changed the medicine. They are playing games.

Mr. DIXON. Let me check into it.

Mr. Gallo.

Mr. GALLO. I have no questions.

Mr. HAIDER. My son is the case of almost everyone in that hospital because I could not believe it. Thank you.

PREPARED STATEMENT

Mr. DIXON. Thank you very much, Mr. Haider. Your prepared statement will be placed in the record at this point.

[The statement follows:]

Our Reference: CMHS/FOIP/DMP/EGj Mahmoud A Haider(aka Mamoud H.Adnan)Hospital Case #133,645.

Congressman Dixon,Julian, Committee on Appropriation
U.S.A. House of Representatives
Washington, D.C. 2252771

July 14,1989,Washington D.C.

Dear Congressman Dixon;

Some two and a half years ago,my son Mahmoud has been hospitalized ,by court order at St.Elizabeath hospital,Washington, D.C..Since then he resides at the hospital. An estimated costs of his treatments may go well over three hundreds thousands dollars, beside that,his suffering and his family's suffering. However,results are not as great as the efforts. for many reasons, a few of which are: On the average, in the past two and a half years of Mahmoud's hospitalization , no single psychiatrist has been assigned for his care for over two months. The followings are the names of the psychiatrists who treated him in the past year, only:
Harmon,Wilson,Rogers,Basheer,Miller,Basheer (again),then Kelly.Each of the above named psychiatrists prescribed to

Mahmoud a different prescription which carried with it its own side effect. Mahmoud has to deal with all the different side effects in the past two and a half years. St. Elizabeath hospital, is the only hospital in the world that it does not allow itself to issue a medical report to the hospiatal's patients. This is true even if the medical reports are needed to be sent to an other institution or hospital (please check the attached medical record the administration of St. Elizabeath hospital allowed themselves to send to another hospital on behalf of Mahmoud. Please check the inefficiency and the poorly hand written report that had been sent from St. Elizabeath , to other institution who sent couple of letters of requests and also three long distance calls requesting Mahmoud's medical report to be sent). The administrators think they are under no obligation since the NIH committee and the congressional committee have no objection to what they are doing.
The administration of St. Elizabeath hospital allow nobody to look for the patients accommodations, even if he is the patient's father . In fact I never been allowed to see where my son sleeps . Also,I was not been able to meet the staff who are responsible for my son's treatment in a single combined meeting at all,even I had requested that very often for the past two and a half years. I also would like to present a picture of the hospital administration effectiveness: On May 2,1989, Mahmoud suppose to have a court appearance for his release. The hospital suddenly

started to prepare itself to counter such action by the following reactions: Dropping his former psychiatrist and ,suddenly replaced him by the present psychiatrist who did not attended Mahmoud's treatment plan he suppose to attend.Instead two staff members attended an informal short meeting ,which they treated my son,(as Mahmoud described it to me) like a dog. At that same week the hospital sent a psychologist to direct a subjective personality tests and to report to Mahmoud immediately at the same time that he is not ready to attend school and he claimed that Mahmoud may be suffering from brain damage.! More pressure from some of Mahmoud's word staff to provoke Mahmoud's anger and to make him misbehave and to record that misbehavior in his records. My son told me about such pressures which I directly reported it to his psychiatrist, and later to the top administrator. However,my son could not handle all of these pressures for a long time,especially ,when the pressure came from within especially, that resulted from the change of his medication at the same period. The present psychiatrist admitted to me that he decreased his medication but there are indications that his medication, has been changed completely during that period, with or without the intention of the psychiatrist. All these things happened during the last two weeks prior to his court date of May 2,1989. Later on June 3,1989 my son started to show a setback. I contacted the hospital administrators about Mahmoud status. The staff,could not give me any reason to his setback. I will never forget that a big hospital as St. Elizabeath hospital to allow itself to follow a patient like Mahmoud to take his video film during his setback period to provoke his anger. The administration of the hospital presented that film to patients and staff . Furthermore an independent psychologist,that has been hired by the court to examine my son and to report back to the court, his findings. He made his findings then, about my son's status as good enough. He recommended him to go to attend his school. This psychologist was ready to testify on May 2,1989 in that meaning,.and to say his opinion about my son's readiness to go to school.But the setback happened to my son obliged this independent psychologist to postpone his appearance in court for a future meeting. I discovered also that a great dispute happened between the administrator of Mahmoud's word and the former psychiatrist,who supported my son's ability to receive a less restricted accommodations in the hospital,and to be removed from the maximum security which ,he is now residing since the past two and a half years . This recommendations were opposed by Mahmoud's word administrator. So the immediate change of the former psychiatrist occurred to allow the ward administrator to work things alone.

The court date has been postponed indefinitely, my son health status has not yet to to where it was before. Mahmoud told me later that some of the technicians of his word are still planning to put him in seclusion. On Jun

24,1989 I told Mahmoud that I am preparing a document on his behalf to authorize me to act to defend him from any expected mistreatment from within the hospital and he should signed it. On Sunday ,25 of June,1989,I went to visit Mahmoud, to obtain his signature on the prepared document, the clerk told me that Mahmoud has been put in seclusion(He had been left in a single room, nude without clothes since last nights). The document I had prepared(attached a copy of it) was still with me at that time, need to be signed I called the hospital supervisor who told me that the action was taken by order from Crump. I contacted Crump, who told me that he took the action due to a request from a technician in Mahmoud's word.He did not want to give the name of that technician,nor the reasons behind his decisions. I discovered that Crump lied to me twice in that instant,which I reported it to his immediate supervisor. However,I could not do any thing to help Mahmoud on Sunday ,so I have to wait to the Monday morning to free my son from his seclusion. Further more, later on Wednesday July 5,1989. I contacted the word administrator to ask about Mahmoud, then I found out that he did not allowed Mahmoud to go to his therapy session on that day. I asked the administrator about reasons behind preventing my son from going to his therapy program,the administrator told me that because,your son refused to take his morning medication. I told the administer that the psychiatrist instructed Mahmoud and myself that Mahmoud has the right not to take the morning

Medication if he felt that he is too druggy . Also I asked the Adminstrator ,how he allowed himself to prevent Mahmoud from therapist for that day?,and the refusal of Mahmoud to take a medication,would not allows the adminstrator to prevent him from his therapy.

Please consider all what I am presenting in this paper,I feel it is the time to tell adminstrators of St.Elizabeath,that is enough.I would like to take my son to a more concern haspital,if he needs any further consideration,I do recommend to take him to Baghdad,Iraq,to a better hospital there. Otherwise, I declare the full responsibility for anything that might happen again to my son ,in the future that St.Elizabeath hospital should be ready to take care.Thank you very much for listenning ,and for any action to help my son Mahmoud.Thank you very much.

Sincerely Yours

Adnan M.Haider

CC:
Congressman AnCoin,Les
Congressman Carr,Bob
Congressman Green,Bill
Congressman Gallo,Dean
Congressman Hoyer,Steny
Congressman Ratcher,Bill
Congerssman Regula Ralph
Congressman Stoks Louis

Ahmad, I., Ph.D.
Atraqahi, M., Ph.D.
Abdulkader, M., M.D.
Behele, I., Ph.D.
Bormmann, I., Ph.D.
Dooley, I., M.S.

OMAR OBAIDY, Ph.D.
PRESIDENT

A. T. I.
AMERICAN TRAINING INSTITUTE INC.
FOR TECHNOLOGY TRANSFER

STATISTICAL CONSULTING AND TRAINING
BIOSTATISTICAL RESEAPCH DESIGN AND ANALYSIS

Hamoud, S., Ph.D.
Hadad, R., M.D.
Myer, S., Ph.D.
Nasr, M., Ph.D.
Soda, D., Ph.D.
Schawtz, L., M.D.

ADNAN HAIDER, Ph.D.
EXECUTIVE V. PRESIDENT

June 25 ,1989

TO : Father, Adnan Mahmoud Haider

FROM : Son, Mahmoud Adnan M. Haider.

Father, do your best to stop mistreatment I undergone in the past three weeks not to happen again. Such mistreatment is documented and notice by all other staff members . It was not the first time such inhuman treatment by some of the staff of St. Lizabeath hosital towards me , but let us contain it to be the last. The main purpose of the treatment was to provoke my anger. I am glad to report to you that I am back to my health condition prior to the last three weeks, and so I disappointed the evil goals for good.

Father, I do autherize you to speak, write and contact autherities inside the hospital to explain to them what happened. Also to make all contacts outside the hopital-in large-to show and to stop such things to happen again. This including to contact courts, as well other chanalas, you would like to contact on my bahalf to explain to them my situation. We suffered a lot. Please accept my thanks for your support to me for the past two and a half years, and a gain my best wish to you.

Your son : Mahmoud Adnan M. Haider
A patient resided in ward(12), maximum security
by court order, at St. Lizabeath Hospital, Washington D. C.

JUL 1 4 1989

MISSOURI, MARYLAND, VIRGINIA, AND WASHINGTON, D.C.
Tel:-314/531-0054 OR 301/654-7565 OR 202/741-2081; Telefax: 314/726-6622 . OR 202/429-2852
P.O. Box 8063 - St. Louis, MO 63105; P.O. Box 30838, Bethesda, MD 20814

Congressman Dixon,Julian, Committee on Appropriation
U.S.A. House of Representatives
Washington, D.C. 2252771
July 19 ,1989

Dear Congressman Dixon:

In addition to my report dated July 14,1989, I would like you to consider the followings, in connection to St. Elizabeath hospital deed towards my son in the past two months.

I would like to have an investigation to be made concernning the following points:

1) Reasons for replacement of the former psychiatrist of Mahmoud , two weeks prior to the court date of May 2,1989.

2) Reasons behind complete change of Mahmoud's medication in that particular period,prior to court date.

3) Reasons behind the sudden appearance of the hosptal examinning psychologist ,and during that particular period. Also reasons behind telling Mahmoud about the unexisting brain damage and to indicate to him his incapability of attending college due to that brain damage !

4) Reasons to obtain Mahmoud's vedio tape, that provoked his anger. I need to have a copy of that unautherized vidio cassett.to have it for court reasons to judge the crulity .

5)a·Reasons behind putting Mahmmoud in seclution,knowing that he was still in an improving stage of his setback he sufferd.5)b·Reasons behind mishandeling Mahmoud's refusal to take his morning medication, by preventing him to take his needed therapay.

Please, accept also my requests to help in studying the following requests :

1) To get an independent pschiatrist ,and psychologist to check Mahmoud to invalidate the hospital evaluations in terms of:

a) The college attendendance in the fall.

b) The bad envirnments,the hospital is now providing to Mahmoud ,which is far beyond the basic needs of a humanity needs.

c) If posible, giving Mahmoud ,the chance to leave to Iraq. and as soon as possible.

Thank you very much for listenning to me and, thank you very much for any positive action you may able to take to help Mahmoud.

Sincerely Yours

Haid A

Adnan M.Haider

CC:

Congressman AnCoin,Les

Congressman Carr,Bob

Congressman Green,Bill

Congressman Gallo,Dean

Congressman Hoyer,Steny

Congressman Ratcher,Bill

Congerssman Regula Ralph

Congressman Stoks Louis

BURRELL
CENTER

April 11, 1988

Dr. Daniel Paul
Howard Pavilion Center
St. Elizabeth Hospital
2700 Martin Luther King Avenue, Southeast
Washington, D.C. 20032

RE: MAHMOOD HAIDER

Main Office
1300 Bradford Parkway
Springfield, Missouri 65804
417-883-5400

Bolivar Clinic
P.O. Box 299
Bolivar, Missouri 65613
417-326-6280

Buffalo Clinic
P.O. Box 711
Buffalo, Missouri 65622
417-345-2116

Greenfield Clinic
P.O. Box 222
Greenfield, Missouri 65661
417-637-5971

Marshfield Clinic
P.O. Box 365
Marshfield, Missouri 65706
417-468-5793

Lakes Area
Counseling Service
115 W. Atlantic, Suite 105
Branson, Missouri 65616
417-334-7575

Dear Dr. Paul:

I spoke with Dr. Adnan Haider today, and I agreed to send you a request for information regarding his son Mahmood. Our agency is willing to evaluate him for the possibility of residential placement under the eligibility requirements of the Missouri Department of Mental Health and our own agency's requirements. To this end, we first need background information. Specifically, we need a psyco-social summary, including psychiatric history; information on diagnosis and recent progress; the results of a recent physical examination (within three months if possible), including CBC and UA; and any other information pertinent to Mahood's adjudication as NGRI.

Upon receipt of said information, we will make a provisional determination and, if positive, share the information with the DMH Regional Placement Office. With latter's consent, we would then seek to arrange a time for a face-to-face interview with Mahood in one of our facilities. Then, if we accept him for our program, he would go on a waiting list which should give ample time for legal considerations, such as a conditional release, to be expedited.

Thank you for obtaining Mahood's consent for the release of the above-stated information. We hope we can be of help in this young man's rehabilitation.

Sincerely,

Alan Leak

Alan Leak, M. Div., M.A.
Director of Transitional Services

AL:kv

cc: Dr. Adnan Haider

In all things, there is opportunity for growth.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
WASHINGTON D C 20002

IN REPLY REFER TO

March 9, 1988

Our Reference: CMHS:FOIP:DJS:NA Mahmood A. Haider. a/k/a Mhmood H. Adnan
Hospital Case # 133,845

Dr. Adnan Mahmood Haider
1205 West,
Grand Tower Building
3530 LeClede Avenue
St. Louis, Missouri 63103

Dear Dr. Haider:

This letter is in response to your letter of February 20, 1988. In that letter you request bimonthly medical progress reports regarding your son, Mahmood. Because of the limits on our time and resources we are not able to provide the information you are requesting. Please feel free to call Mr. William Taylor, Clinical Administrator, on the ward where your son is residing. I am sure that you will understand that Mr. Taylor is also extremely busy and for that reason I would ask that you limit your calls to once every two weeks. Mr. Taylor may be reached at (202) 373-7012. Of course, Dr. Haider, I too will be happy to speak with you if you wish to call me directly.

As I noted in our conversation of Friday, February 26th, your son has made a good adjustment to his new ward. The staff remains highly interested and concerned about his mental and physical health. We will continue to provide the highest standard of psychiatric care to Mahmood and we remain committed to his health and progress. I appreciate your love and concern for your son and I realize the pain you and your family are experiencing as a result of Mahmood's being found not guilty by reason of insanity and his mental illness.

Sincerely yours,

Daniel Sweeney for

Daniel Sweeney, Ph.D.
Chief, Post Trial Branch
Saint Elizabeths Hospital

JOHN ASHCROFT
GOVERNOR

KEITH SCHAFER, Ed.D.
DIRECTOR
DEPARTMENT OF MENTAL HEALTH

JOHN TWIEHAUS
DIRECTOR
DIVISION OF COMPREHENSIVE
PSYCHIATRIC SERVICES

HAROLD W. WILSON, A.C.S.W.
SUPERINTENDENT

B.U. SREENARASIMHAIAH, M.D.
MEDICAL DIRECTOR

STATE OF MISSOURI
DEPARTMENT OF MENTAL HEALTH
DIVISION OF COMPREHENSIVE PSYCHIATRIC SERVICES
NEVADA STATE HOSPITAL
NEVADA, MISSOURI 64772
(417) 667-7833

JUN 24 1988

June 22, 1988

Alan Leak
Burrell Center, Inc.
242 S. National
Springfield, MO 65802

RE: MAMOOD HAIDER

Dear Mr. Leak:

This letter is in response to two questions regarding the above client due to the fact that he is currently residing out of state and that he may be a privately funded placement if accepted by Burrell Center into one of the Group Homes. I have discussed these issues with Roberta Gardine, DMH Central Office, and have been instructed that Mr. Haider would be considered a Missouri resident if he moves within the State of Missouri with the intention of remaining in Missouri. He may also be privately placed at one of the psychiatric group homes if he has funding sufficient to pay for the placement at the same rate per month as DMH clients. You may contact me if you have questions.

Sincerely,

Richard Scotten

Richard Scotten, Director
Regional Community Services

krr

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THE
GEORGE
WASHINGTON
UNIVERSITY

Washington, D.C. 20052 / Office of Admissions / (202) 994-6040

April 5, 1989

Mr. Mahmoud Adnan Mahmoud
P. O. Box 714
St. Charles, Missouri 63302

Dear Mr. Mahmoud:

I am pleased to notify you of your admission to
the School of Engineering and Applied Science
for the summer sessions, 1989
as a candidate for the
B.S. degree.
Your major is to be determined.

Enclosed is a housing application, together with information on procedures for notifying us of your intention to attend the University. A brochure containing details on housing accommodations is being mailed to you under separate cover.

To demonstrate your proficiency in English, you must take an English as a Foreign Language (EFL) Placement Test before registering for classes. Appointments to take this test may be made at the Office of English for International Students, Academic Center, T-604, 22nd and H Streets, N.W., between Monday and Friday from 9 a.m. to 4 p.m. A fifteen dollar fee is payable by check or money order. The results of this test will determine whether your academic program must be restricted as to number and type of courses until the necessary proficiency is established.

To obtain academic advice and course approval, present this acceptance to your academic advisor in the Office of the Dean.

Sincerely,

George W. G. Stoner
George W. G. Stoner
Director of Admissions

GWGS:slw
Enclosures

THE
GEORGE
WASHINGTON
UNIVERSITY

School of Engineering and Applied Science / Washington, D.C. 20052

Admissions Office
(Area Code 202, 994-6158)

April 13, 1989

Mr. Mahmoud A. Mahmoud
PO Box 714
St. Charles, MO 63302

Student No.: 632468
Social Security No.: 389-54-6846

Dear Mr. Mahmoud,

This letter is to inform you that your assigned faculty advisor at the School of Engineering and Applied Science, The George Washington University is Professor Choi. Your advisor may be reached by telephone at 994-5510 and is located at 2020 K Street NW, Room 305.

Sincerely,

Veda Weiss
Veda R. Weiss
Undergraduate Student
Evaluator

cc: Student File

Dr. Raymond Patterson,
Adminstrator,
Fornsic Service Adminstration,
Room 140 , Behaviour Studies Building
St. Lizabeath Hospital, 2700 King Ave. S.E.
Washington D.C. 20032

Dr. Adnan M. Haider Obaid
4515 West Verginia Ave.
Bethesda, Maryland 20814

February 26, 1989

RE: Mahmood A. Haider Obaidy, an Iraqi patient
in St. Lizabeath hospital for treatment.

Dear Dr. Patterson:

Afew months ago, I requested the adminstration of St. Lizabeath hospital where my son Mahmood resides, to send a letter to his excellency Mr. Sadam Hussian, the President of Iraq Republic, to state Mahmood's health progress. In that letter the adminstration described Mahmood's good health progress, and the adminstration also, made it clear that he will continue to stay in the hospital for an indefinite length of time, until he is completely recovered and the Fedral Supreme court makes its decissio to release him.
In past week, I called the office of his excellency President Sadam Hussian in Baghdad, and I spoke with the director in charge of travelling grants and permissions to Iraqis inside the State of Iraq, Mr. Saddoon Muslih.
I explained to Mr. Muslih, the situation of being away from my wife and my younger son for over two years, a split of the family for such a duration is extremely difficult for everyone involved. Mr. Muslih advised me to renew my pledge and proof of Mahmood's staying in St. Lizabeath hospital at the present time for an indefinite length of time, even with all the time he spent residing in the hospital, and with all the progress he has made. Also the letter need to state clearly that in Mahmood's present status, and for his future health progresss, a unified family is a must and an urgent need for his pschiological fast recovery and his health progress. His need for a unified family for his emotional, and moral support is a vital, and also such a unified family is a must for social, and hummanterian reasons. Please, emphasize this very important issue in your letter, and give it the value you think it deserve, and thank you very much.

Sincerely,

Adnan M. Haider Obaidy

CC: Dr. Powell, David, FOIP, Director
Dr. Sweeney, Daniel, Post trial, Director, John Howard Pavilian.

SAFETY FENCES ON THE DUKE ELLINGTON (CALVERT STREET) BRIDGE

STATEMENT OF GEORGE COLYER, CITIZENS' COMMITTEE FOR THE ELLINGTON AND TAFT BRIDGES

Mr. **DIXON**. Our next witness is George Colyer, who represents the Citizen's Committee for the Ellington and Taft Bridges. Then as I understand it, we have Mr. Tippett of the Fire Fighters Association. Is there anyone else here to testify today?

Go right ahead, Mr. Colyer.

Mr. **COLYER**. I just have brief comments. I understand Benjamin Read was here earlier today speaking in behalf of the Samaritans addressing the issue of suicide barriers on the Duke Ellington Bridge. Just for your information Duke Ellington Bridge connects Calvert Street to Connecticut Avenue, connecting the neighborhoods of Adams Morgan and Woodley Park. I have been chairman of the ad hoc citizens' committee for about 1½ years.

We have added on to a neighborhood effort to essentially dismantle the suicide barriers. They were put up 3½ years ago. We did not approve of the process by which they were put up. We did not feel there was consultation with the community. I understand Mr. Read made some comments that the Mayor is considering taking down the barriers.

I wanted to clarify the record. I was not here when Mr. Read spoke.

Mr. **DIXON**. Nor was I.

Mr. **GALLO**. I was.

Mr. **DIXON**. Maybe Mr. Gallo will address the point.

Mr. **COLYER**. We had several meetings, the committee and representatives of citizens' associations and the advisory neighborhood commissions for the three different neighborhood nearby, Woodley Park, Sheraton, Kalorama, and Adams Morgan. The Mayor has made verbal commitment but there is nothing in writing as far as the barriers coming down.

There is a scheduled renovation of the bridge to occur starting this fall for $10 million. That is the issue at hand for the community. They feel that barriers should come down as part of the renovation. We don't feel that the barriers have been as effective as advertised. We feel other mechanisms could be used to intervene in suicide issue. There have been numerous community meetings, in one in April 200 or 300 persons attended. All of the neighborhood commissions have taken a vote on the issue in the last year and have voted unanimously to support the position of the Citizens' Committee for the Ellington and Taft Bridges to take the fences down. We had a design commission to get good ideas across the country.

We had a workshop in February where we had 60 or 70 people attending. There has been a lot of discussion in the neighborhood. This is not something where we had to deal with the Mayor in the back room to have these barriers taken down.

We have also joined with the jazz society to promote memorialization of Duke Ellington on the bridge. I have not seen anything from the Mayor that it is his intention to incorporate ideas of the jazz society on the bridge. I am here to answer any questions.

Mr. **Dixon**. I am not clear. The barriers are to prevent people from jumping off the bridge; is that what you are referring to?

Mr. **Colyer**. Correct.

Mr. **Dixon**. You think they are unsightly. You said they are not effective.

Mr. **Colyer**. Benjamin Read had a daughter jump off the bridge 10 years ago himself. This has gotten him involved essentially in mental health concerns in the city. One of his special interests was some kind of intervention on the Duke Ellington Bridge. He proposed these barriers. The bridge is an integral part of the neighborhood, on the National Historic Register, one of the great bridges in the country.

From a design, perhaps elitist perspective, yes, you feel like you are walking through the zoo and you are one of the animals. It is designed to be a great view over Rock Creek Park. From a mental health perspective, we think a lot more attention can go into human intervention.

We believe neighborhood planning efforts to bring more people over the bridge more hours, have 24-hour hot lines on the bridge would be as effective. Another issue is the Taft Bridge which takes Connecticut Avenue over Rock Creek which is scheduled for renovation the following year.

It has no barriers. If that is the solution in this city, it applies that barriers would have to be put up there. If one wants to, we will have suicide barriers over all the great bridges of Washington and then we could move to the roof tops of our great buildings. Many people worked on this many hours.

Mr. **Dixon**. Do I have your basic message correct that cosmetically they do not enhance the bridge and for that reason you think they should be taken down?

Mr. **Colyer**. That is one of the reasons, yes, sir.

Mr. **Dixon**. You did not mean that these barriers are not effective?

Mr. **Colyer**. They have reduced the number of suicides. There have been suicides since. If a person was reasonably nimble it would take 10 seconds to go up and over them.

Mr. **Dixon**. You didn't mean to say they do not operate as a deterrent?

Mr. **Colyer**. They are a deterrent. We have had a lot of proposals essentially for a better mousetrap. We propose a modified version of that to the Mayor.

Mr. **Dixon**. You have seen the Mayor and you think he is going to cooperate, you have seen him?

Mr. **Colyer**. We have been told that.

Mr. **Dixon**. Mr. Gallo.

Mr. **Gallo**. Since the fence has been up, how many suicides have there been?

Mr. **Colyer**. Essentially, it is rather embarrassing. There are no official records that I would put my trust in. We have gone through the police records and medical examiner's records.

In our opinion, there have been four suicides where death has occurred from that bridge. One person jumped off and went into a tree and survived.

There have been quite a few attempted suicides.

Mr. GALLO. How many were there before?

Mr. COLYER. There you get into a numbers game.

Mr. Read likes to quote the two previous years. I believe it was five and six for the two previous years.

Mr. GALLO. A total of 12 was his testimony.

Mr. COLYER. But those are two peak years.

It is our opinion that because there was so much press on the bridge, it acted as a magnet, people would go to that bridge.

There has been substantial diversion now to the Taft Bridge.

Mr. GALLO. I can understand your concern as far as the esthetics. However, I want to note that the Federal Government has put considerable money into that.

I don't have knowledge other than Mr. Read's testimony here, but it would certainly indicate that the fence has worked.

Mr. COLYER. At that site, yes.

Actually, jumping suicides have risen overall from bridges and from all locations citywide since the installation.

We do argue for the reuse of the barriers at another site.

Mr. GALLO. Thank you.

Thank you, Mr. Chairman.

Mr. DIXON. Mr. Read was here earlier today?

Mr. GALLO. Yes.

Mr. Read testified today against any elimination of those barriers.

Mr. DIXON. I see. OK.

er, thank you very much for your testimony.

Is this the first year you have appeared?

Mr. COLYER. Yes, sir.

Mr. DIXON. And this committee that you belong to is basically formed for the preservation of these two bridges, the Ellington and the Taft Bridges?

Mr. COLYER. Yes, sir.

Mr. DIXON. I understand your concern from an esthetic point of view and from a historical point of view, but I guess things have changed in life and anything that we can do to deter people from jumping, I think the District can certainly justify.

Mr. COLYER. The ironic thing is essentially the director of public works seems to be the lead person within the city government on deciding the mental health issue. We had promised to do a 2-year followup study——

Mr. DIXON. Mr. Touchstone?

Mr. COLYER. Yes.

Essentially, Benjamin Read went to the Mayor and Mr. Touchstone and convinced the two of them that this was wise public policy.

After the decision was made, as far as the community was concerned, it was a done deal and the community concerns were not listened to. We are in the courts on this issue.

Mr. GALLO. Mr. Read indicated that during a process of discussion with the Mayor and others, that the Historical Committee was brought in to review the overall plans——

Mr. COLYER. After we won a court case.

Mr. GALLO. That could be, but we were led to believe——

Mr. COLYER. They did not approve the plans actually. The Mayor's agent for historic preservation issued a special order, but the board itself did not approve it. That is sort of a relief valve within the city government.

Mr. DIXON. Thank you.

Mr. COLYER. Thank you.

FIRE DEPARTMENT

STATEMENTS OF:

THOMAS N. TIPPETT, PRESIDENT, DISTRICT OF COLUMBIA FIRE FIGHTERS ASSOCIATION, LOCAL 36, OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO-MWC

RAYMOND SNEED, FIRST VICE PRESIDENT AND CHAIRMAN OF THE BOARD, DISTRICT OF COLUMBIA FIRE FIGHTERS ASSOCIATION, LOCAL 36, OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO-MWC

Mr. DIXON. Next we have Thomas N. Tippett, the president of the Fire Fighters Association. Mr. Trippett, if you would identify yourself for the record.

Mr. TIPPETT. Thomas Tippett, president of local 36, and Raymond Sneed, first vice president and chairman of the board of directors.

Mr. DIXON. You are our last witness today.

We have Ms. Marshall and language changes, but other that that——

Mr. TIPPETT. I would simply like to summarize what we have here. It is a rather healthy package, obviously.

I want to thank you first for your support for the firefighters' safety in years past.

MANNING ISSUE

We really have one outstanding issue this year which is near and dear to our hearts and a safety issue for us and the citizens and that is the staffing of the firefighters on the engines and trucks and two-piece engine company. That was such a hot issue last year.

This year, if you will recall, the fire chief pretty endorsed maintaining or in my eyes did endorse and has privately endorsed maintaining what we have and have had; that is, a five-man, two-piece company. That is what we would ask you to support with bill language.

I am afraid that the Mayor will do otherwise if he isn't directed by this committee and by the Congress and I have been told as much—threatened I would use the word——

Mr. DIXON. So you think the fire chief is sympathetic, but the District administration is not?

Mr. TIPPETT. Yes.

The City Council voted 13 to zero to support the position last year.

The fire chief supports it, but the Mayor is going to use it as a political bargaining chip for endorsements and we are not going to have a part of that.

I would like to take it out of that arena.

It is a safety issue. I have told the Mayor that we will not bargain with it for hours or more pay or whatever.

We are in court over it.

This committee was to put language in directing that we maintain that as they have in the past.

I will drop the court action tomorrow and that will be the end of that legal battle that we don't certainly need to be fighting if we get the support here.

Mr. DIXON. I understand your position, but let me ask you a couple of questions.

It seems as though last year and the year before the issue revolved around whether or not the District should and had the authority to do this.

The District argued that it was a management decision.

Mr. TIPPETT. Exactly.

Mr. DIXON. You went to court on the issue.

Mr. TIPPETT. Yes.

Mr. DIXON. In the interim, the committee said there would be no changes.

Mr. TIPPETT. Yes.

Mr. DIXON. You lost at the trial level; the court said that it was a management decision?

Mr. TIPPETT. That it was nonnegotiable.

Mr. DIXON. As a bargaining issue?

Mr. TIPPETT. Yes; even though it has been for many years.

Mr. DIXON. Now you are asking the committee to continue when basically you have lost in court.

Mr. TIPPETT. We are in the appeals court on the issue. If we lose, then we would go back if we had to to negotiate as a safety issue, which is what the court said, any safety issues are negotiable.

This traditionally from day one when we first had a contract with the city was a negotiable issue. It was only when we failed to endorse the Mayor politically and he would not hold fast to the contract that we had negotiated and we had to go to arbitration that he pulled the plug, if you will, and decided it is no longer a negotiable issue.

I don't need it as a negotiable issue or a contract issue. All I need is the safety of our guys and the citizens.

If it is done in this fashion, we don't need it to be litigated. We don't need to spend thousands of dollars that frankly we can't spare to put it into a contract if we know what we need is there, and that is safety.

That is all we are looking for. It is maintaining what we have had in this city for many, many years. It is the best way to operate especially in this city, the configuration and the lack of inspection authority that we see in this Fire Department.

We cannot inspect Federal buildings. Many chiefs around the Nation have told him "If I had my druthers, I would operate the way you operate."

This is the best. We are very proud of our reputation for interior fire attack. We have the best.

We have a lot of serious problems with the ambulance service and that is another issue, but the fire service is the best and we think it should be maintained and that is why we have come before this committee because there is a Federal interest.

There are two things that I know that the committee was interested in.

HIRING PREFERENCE SYSTEM

Briefly on the residence, we have supported from 1979 the concept of a residency preference for city—a hiring preference for city residents, a hiring preference, but when this got into a promotion issue, that caused great concern.

OVERTIME

Overtime was an issue with the department. We were concerned about trying to get to the bottom of why—and there are a variety of reasons why—no hiring exam since 1984; the high, unfunded positions that the former chief had instituted, the high details to the Ambulance Division and the Communications Division.

For instance, as a result of a freedom of information request in the month of January, we had 399 firefighters detailed to the ambulance.

Each one necessitates backpaying of overtime at $250 a day so that drives up the overtime.

Added to that, a point that the chairman picked up on and I don't think it was answered maybe to your satisfaction, they do want to keep a certain number of vacancies. The number used to be 57, so that you don't pay people on a daily basis if you don't need them.

Mr. **Dixon**. They are better off financially to pay overtime to certain employees than to hire another person full time and pay the benefits and so on?

Mr. **Tippett**. Yes.

That number is higher than 57, which it was 8 years ago. That is what drives the overtime.

The overtime should be in the $2 to $3 to $4 million range.

It is three times that and that is as a result of other issues.

Hopefully we have a new chief who I think has a pretty good handle on things and we are going forward with a new hiring program court order to be in place by February that we will see a reduction in the years to come in the overtime.

ST. ELIZABETHS FIREFIGHTERS

Mr. **Dixon**. Let me ask you, do you have any observations on the St. Elizabeths firefighters issue at all?

If you don't, you don't.

Mr. **Tippett**. No.

Ray got directly involved with them for me. He is stationed on King Avenue close to St. Elizabeths.

We sympathize with their problems. However, they were given the opportunity to either remain—become District employees or to go as Federal employees to other Federal institutions when the transition was made. They chose to stay with the District.

We have supported and still support them coming in if they can meet the qualifications and that is our only opposition to them coming in is that they meet the basic qualifications. Then we would have the problem to address of the pension system.

They had a different pension system. If they were to come into ours, how would those payments be made?

We have a serious unfunded pension liability that we all need to address in the future.

Mr. DIXON. I gather if they otherwise qualified and came into the system, they would not be guaranteed that they would stay at St. Elizabeths?

Mr. TIPPETT. That is right, although good management would dictate that they would because they do know the area.

They are a very efficient group. They have the keys. Everything is locked.

They do a very good job and I think it would be to the city's benefit, good management would dictate that you would leave them there.

Mr. SNEED. We have a firefighter assigned to my company now who was once assigned to St. Elizabeths when the District government took over and he is assigned to the first new company.

So, yes, they can come through if they meet the requirements.

Mr. GALLO. May I ask a question?

We did have them here today. Although there was a statement that they met the requirements, it seems that there has been a great deal of reluctance to have them brought into the system.

They have tried, they have talked with the city officials in an effort to get into the system.

In fact, one of the individuals indicated he had met all the criteria including the age criteria of 29, but because of the length of time it took to go through this process he became 30 years old and, was then denied.

So it seemed, at least to me, that there was an effort to slow down the process——

Mr. TIPPETT. I think you are right.

Being involved from the inside early on, we have seen a lot of problems that the city has failed to address.

I think it is a matter of no one knowing how to get a handle on it, therefore, the easiest thing is to leave them out there.

They are now firefighters working for the District government, but DHS employees, which we have no such animal.

The Fire Department is given responsibility to provide fire protection and fire inspection within the confines of the District of Columbia, not DHS.

Mr. GALLO. You haven't held back any of the transfers?

Mr. TIPPETT. No; we went over, as a union, to meet with them, and their union had a large meeting, to offer any assistance we could because they were having major problems with paychecks, leave, during the transition, and we made that offer and carried it through.

Mr. GALLO. Is there a mechanism, a waiver process for the age requirement?

Mr. TIPPETT. No.

Mr. GALLO. I understand the requirement for training and these necessary certifications but is there a procedure for a waiver on the age issue?——

Mr. **Tippett**. Only legislatively or I would assume through direction of the Congress, but the age is a requirement that it would take an act of the council.

Mr. **Gallo**. That is District law?

Mr. **Tippett**. Yes.

That goes back, it is my understanding—there is a reason obviously for that, the reason being the nature of the job.

Mr. **Gallo**. You have one individual who testified today that has 10 years in the service and has achieved many educational degrees in firefighting. He certainly would be the type of person you would want to bring back.

Mr. **Tippett**. Yes; I heard that testimony I would think a piece of legislation or an attachment somehow—you know the mechanics better than I, but to take care of these people one shot only to incorporate them in would be the appropriate way.

It is a problem that is not going to go away.

They are some very, I think, good employees that probably we will lose sooner or later because they are getting very frustrated.

PROMOTIONS AND MORALE

Mr. **Gallo**. I have heard that morale is a problem because promotions have not taken place, and I was told that this was because of actions through the courts. I asked the chief, how can you run a department like that?

His response was that people are made acting, but in plain English, that is a not a very good way to run a department.

Mr. **Tippett**. It is devastating to morale.

We have been in the situation really since 1986. We haven't had an exam since 1984.

We used that 2-year exam in an acting status and since 1986, we have been using seniority only as acting status.

I fault the city government for the failure to implement a new promotional system.

Local 36, the Justice Department, the city, and the plaintiff group originally in this, all agreed to come together and agree to three experts to put together a new totally unbiased promotion system and we did that back in 1986 and part of that stipulation and order was that no one could contact these three experts except the city so there would be no hint of anyone tainting the process.

The city contracted with them and paid $330,000 for this project and it was supposed to have been 1 year and we are over 3 years and no closer to a resolve and now the city throws up their hands and says they are not done, we want to fire them and start over and that is totally unacceptable.

Mr. **Gallo**. Mr. Chairman, I can't understand how something as important as this could linger——

Mr. **Dixon**. It would appear that what Mr. Tippett says is true. I don't know what the city's explanation is, but this was chronicled in the paper about 3 weeks ago.

Mr. **Tippett**. Yes.

Mr. **Dixon**. Now even the morale of the three experts that were hired is gone.

The city stopped payment on the contract and it is just one big mess.

Mr. **Tippett**. I liken it to contracting to build a house and certainly at certain points you are not going to make payments if the footings aren't in or the walls aren't up. The city has made payments of $330,000 on a $550,000 contract, not knowing where they are, what the deadlines are.

I cannot believe that the former director of personnel, Ted Thornton, signed that kind of a contract and we are suffering, the firefighters from the top to the bottom, with no promotion exam.

It shocks me every day that things still go as well as they do because these guys are really taking it on the chin on this promotion issue.

Mr. **Gallo**. It amazes me that something this important could take that length of time.

Mr. **Dixon**. I got more information from that article than I have ever been able to get collectively from everybody who has appeared and testified.

Mr. **Tippett**. It is certainly a mess.

What this body can do—I don't know whether there is anything.

Mr. **Dixon**. Anything else you would like to touch upon?

Mr. **Tippett**. No, sir.

The manning is the issue. If we can maintain this issue, this safety issue, we will take it out of the courts, out of the contract.

I don't care where it is as long as I can guarantee the safety of my guys and of the citizens with the necessary staffing.

Mr. **Dixon**. You are pursuing an appeal at the moment?

Mr. **Tippett**. As I say, if this language were to go forward today, I would drop the appeal.

Mr. **Dixon**. But it won't end this year. That is the problem.

Mr. **Tippett**. You are right.

I would hope that like other issues that the Congress has addressed, such as the engine company. Three, once you have addressed it, you have carried that over from year to year and I have enough faith in the system that we could make the argument that that would happen again.

Mr. **Dixon**. Thank you very much.

Mr. Gallo, any other questions?

Mr. **Gallo**. No, Mr. Chairman; thank you.

PREPARED STATEMENT OF THOMAS N. TIPPETT

Mr. **Dixon**. We will place your prepared statement in the record.

Mr. **Tippett**. Thank you, Mr. Chairman.

[The statement follows:]

FIRE FIGHTERS ASSOCIATION

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LOCAL No. 36
INTERNATIONAL ASSOCIATION
of FIRE FIGHTERS

THOMAS N. TIPPETT
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2nd Vice President
JOHN J. KINNEY
Treasurer
WILLIAM E. ANDERSON
Sergeant-at-Arms
JACKSON H. GERHART
Secretary

TESTIMONY OF THOMAS N. TIPPETT, PRESIDENT
DISTRICT OF COLUMBIA FIRE FIGHTERS ASSOCIATION, LOCAL 36
OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO-MWC

Affiliated with AMERICAN FEDERATION OF LABOR and CONGRESS OF INDUSTRIAL ORGANIZATIONS
GREATER WASHINGTON CENTRAL LABOR COUNCIL

Mr. Chairman, members of the Sub-Committee and staff, my name is Thomas N. Tippett and I am President of the District of Columbia Fire Fighters Association, Local 36, of the International Association of Fire Fighters, AFL-CIO-MWC. Accompanying me today is Raymond Sneed, Chairman of our Board of Directors and First Vice President.

We appreciate the opportunity to appear before you today to offer comments on the FY 1990 Operating Budget of the D.C. Fire Department. We are cognizant of the time restraints that all witnesses are urged to adhere to, so we shall be direct and to the point.

First I want to commend you, Chairman Dixon, and the members of this Sub-Committee for your leadership and continued support for the Public Safety forces in our city that have resulted in the D.C. Fire Department being given the proper funding that allows us to perform our life saving duties.

The proposed budget before you is an austere proposal that, with some reservations, we can support.

We are pleased to note that our fire companies will be staffed at the FY 1988 levels that is, with five-person engine companies operating with two pumpers. This budget does not recommend implementing the previously proposed four-person one pumper engine company staffing that was attempted by former Fire Chief T. R. Coleman and was rejected, unanimously, by the D. C. City Council.

We do not believe it was accidental that when the District transmitted the 1989 budget request to the Congress, two directives made by the Judiciary Committee and supported by the Full Council were omitted. Those two directives dealt with the reduction of ambulance units and the reduction of the staffing levels of Engine Companies.

I want to submit, for the record, a copy of the letter Chairman Clarke sent to Senator Harkin and Representative Dixon which supports our claim. (Exhibit A)

To be blunt, I am sick and tired of the continued attempts by the Chief Executive to reduce the on duty strength of the Firefighting Division and to lay the blame for all the financial woes of the D.C. Fire Department on engine company staffing.

This city is protected by 304 firefighters per platoon. The Executive Branch can attempt to mislead this committee with reams of hyperbole about "what other cities are doing", and attempt to show how bloated our staffing levels are, but one fact still remains ...... 304 firefighters are the "on duty strength" of the Firefighting Division. 304 firefighters protect approximately 650,000 residents and over one million workers and visitors to our Capital City. These are the men and women who are directly involved in the front line of defense when an emergency occurs.

To compound matters, Mayor Barry requested a meeting with my Executive Board on May 13, 1988 and attempted to entice us into "cutting a deal" with him with regards to our engine company staffing levels. Mayor Barry was direct with his offer and I must admit that we were all taken by surprise.

The Mayor offered to increase the base salary of the Firefighters in exchange for Local 36 "backing off" our position to maintain a five man/two piece engine company. In addition, it was suggested, that he could "sweeten the pot" with a shorter work week as well. Not only was the Mayor attempting to short circuit the action taken by the City Council, he was asking union officials to compromise the safety of our members, and also the citizens, workers and visitors to the Nation's Capital. (See enclosed Press Release) I must admit the extended "carrot" looked inviting, and perhaps some union officials would have pocketed the scheckles in exchange for the shorter work week, but my Executive Board unanimously rejected his offer. I believe the only way to insure that such "backroom wheeling and dealing" is eliminated and that the safety of the citizenry is placed first and foremost, would be to add Bill Language to the FY 1991 budget that echos the intent of the D.C. City Council and reflects the action that was taken by the 100th Congress in H.R. 4776. We respectfully submit that such bill language should read as follows, "provided further that the D.C. Fire Department will continue to operate on basis of a two piece engine company and will be staffed by five firefighters in accordance with Article 3, Section 18 of the D.C.F.D. Rules and Regulations then in effect".

Such Bill Language would reinforce the action by the City Council; parallel similar Bill Language that requires the Metropolitan Police Department to maintain an authorized uniform strength of 3880 members and lastly, but as equally important, it would eliminate the possiblity of some unscrupulous union officials dealing away safety for money or a shorter work week.

Local 36 realizes that the newly confirmed Fire Chief, Rayfield Alfred, has gone on record before this sub-committee as supporting the five person, two piece Engine Company staffing that has served our city efficiently and effectively for the past 60 years. This staffing level is the key ingredient that allows our troops to safely and quickly "knock down" the typical "room and contents" fire that our units face every day before such a fire has the ability to spread. I am also convinced that this staffing level insures greater safety for our firefighters and is one of the reason why our firefighter line of duty deaths is not as high as other cities.

Local 36 was pleased to observe Chief Alfred's tenacity during the intense questioning and answer session by members of this sub-committee where the Chief reaffirmed what Local 36 has been telling this committee for years - the five person, two piece engine company staffing that provides for 304 firefighters per platoon is the safest, most practical method to protect the citizens, workers and visitors to the Nation's Capital.

HOWEVER, we are also realist and recognize that this is the same individual who, as an Assistant Chief, told this sub-committee a year ago that "less staffing was just as good" and that a 20% reduction in Engine Company staffing would not have that great an impact on firefighting efficiency in the Nation's Capital. His theory was supported by the former Chief who informed the D.C. City Council that if he needed more firefighters on the fireground he would "call them from home". The Council rejected this proposal as not in the best interest of the residents or the firefighters. The obvious question is why the change all of a sudden?

Mr. Chairman, members of the sub-committee it's politics, pure and simple. Thats why we desperately need this bill language. It's no coincidence that both the Mayor and the Fire Chief have reversed their position on the staffing levels of our engine companies and we believe we understand why. Local 36 believes that this current support for our "safety" is the "carrot" that will be extended in exchange for a political endorsement. It's the same type of wheeling and dealing my Executive Board was exposed to last year, and quite frankly Mr. Chairman I believe the safety of our firefighters and the protection of our citizens should not be based on politicians and union officials cutting deals. Please give us the protection of Bill Language and help us put the staffing of the Firefighting Division to rest....once and for all.

Much ado has been raised over the "enormous" amount of overtime in the D.C. Fire Department. I want to submit for the record the overtime figures, dating back to 1977 and on average, the overtime figure is around $2.5 million per year. It was only in 1984 that the overtime began its dramatic rise. This was due to several decisions by management that ultimately have proven to be "mismanagement". As a result of one of these management decisions, the U.S. District court held up the hiring process, thus prohibiting the city from filling firefighter vacancies. Another management decision that has resulted in spending tremendous amounts of overtime is the fact that 40 firefighters were detailed to unfunded positions and had to be back filled by overtime firefighters.

Example: The Training Academy had a Fire Officer that was detailed from the Fire Fighting Division. His sole function was to establish a Fire

Department rappelling team. His entire day was spent rappelling off the Drill Tower at the Academy and he was practicing that for a year and a half. This was a luxury that at this time, our department could ill afford. Local 36 has requested, time and time again that these individuals be immediately returned to their respective assignments - but as of this date many members are still in a detailed status.

This budget has no reference to the amount of overtime that is caused by uniformed firefighters detailed into the Emergency Ambulance Bureau and the Communications Division. For the record I have included a letter to City Administrator Carol Thompson that outlines my frustration with Mr. John Cavanagh, the Director of the EAB, and with his failure to identify how many uniformed firefighters are detailed daily into the EAB. This is a serious problem that needs to be addressed. (January 28, 1989 there were 36 firefighters detailed to the EAB.)

Mr. Cavanagh has made numerous attempts to mislead the City Council and members of the Mayor's EMS Advisory Task Force into believing that only a minimal number of uniformed firefighters must be utilized to keep ambulance units in service. This is an outright misrepresentation of the fact. In preparation for this hearing I filed a Freedom of Information request to find out just how many of our members are subsidizing the EAB. The response from the EAB was that they could only supply information for January and February, 1989, but those figures were even higher than I anticipated. For January, 1989 there were a total of 398 uniformed firefighters detailed to the EAB.

The figures for our details to the Communications Division are also staggering. Once again, the cost for this overtime is not taken from the Emergency Ambulance Bureau or Communications Division, but is attributed to the Firefighting Division. This is wrong and, I believe a misreprsentation.

The Emergency Ambulance Bureau and 911 continue to provide the first three minutes of the nightly news and the headlines for the Metro Section of our local newspapers. The week of May 1st, WRC-TV4 had two major news stories all centered around the EAB and 911. The EAB Director continues to get a free ride by apparently not being responsible to anyone except City Administrator Carol Thompson. We believe this should be changed.

We respectfully request that the committee recommend that the Director of the EAB report directly to the Fire Chief, as in the past. It is obvious to us that the EAB needs more scrutiny and more daily supervision than the present operations allow. It should be noted that there once was a time when the Fire Department maintained an ambulance service with none of the problems that are being encountered today. Although the population was greater than it is today, the ambulance service consisted of 10 ambulances and was a very efficient service. Perhaps the time has come to revisit the "old days" and rethink the wisdom that has evolved into the present operation and has made our ambulance service a national and international disgrace.

Likewise, Local 36 is concerned that the Executive Branch has failed to alert this Committee that the fire death toll is on an upward spiral - the record speaks for itself:

FY 1987 - Ten fire fatalities

FY 1988 - Seventeen fire fatalities

FY 1989 - Twenty-three fire fatalities as of 7-1-89

God forbid that this figure will continue to rise, but all indications are that 1989 will be a grim reminder that fire is still a deadly enemy and all eight wards of our city are susceptible to its destructive forces. No ward is exempt.

Local 36 believes there is a direct correlation between the lack of inspections and the rise in fire deaths and we feel that the management of the department has a responsibility to insure that (a) additional Fire Inspectors are budgeted for and (b) more emphasis is placed on daily fire inspections by local fire stations. We also are in full support of the Fire Prevention Division being legislated the full scope of Arson Investigation which would encompass the granting of police powers, similar to the way all fire departments in the surrounding jurisdictions currently operate. The benefit to the city is the immediate freeing of uniformed Metropolitan Police Officers to perform police duties and eliminating the current system where two agencies investigate one fire. Local 36 believes this is a duplication of services and that with the demand for additional police officers by our community, this is a rational approach to a serious problem that can free MPD members for other duties.

Another area of deep concern to our Association is the fact that there has not been a permanent promotion in the rank of Sergeant, Lieutenant or

Captain since 1984. On June 24, 1986 United States District Court ordered a Test Development Committee to develop a new selection procedure for promotions to the ranks of Sergeant, Lieutenant and Captain in the D.C. Fire Department. This Committee of "experts" has, in our opinion, failed to carry. out that mandate. The city has paid these "experts" approximately $330,000 and there is no procedure in place and obviously, no promotions have been made.

The level of frustration that our membership, particulary our younger members, must live with is almost at the breaking point. I'm sure that all of you remember, only to well, the actions taken by a member of our department just a few weeks ago when he went to work (armed with two handguns) and critically wounded his superior, mortally wounded an off duty police officer, then took his own life. Bob Parsons was a member of our Association and was so frustrated over his inability to compete for advancement that to him it became an obsession. Numerous times he would come to our office to urge me to "do more". He would frequently call our office, often weekly, to get an update as to how things were progressing. I am convinced that the actions Bob Parsons took on April 16, 1989 were out of total frustration and I informed our Fire Chief that I don't believe he or the city can comprehend the high degree of frustration that is being felt by members of our department. They see on one hand a few individuals, who have received temporary promotions by virtue of seniority, holding back an entire group of individuals from the ability to compete. They see three "experts" who apparently have discovered the D.C. Government's endless supply of finances and are not being forced to comply with a court ordered mandate to provide a new promotional system.

Now, on May 3, 1989 we were notified that the city plans to request the court to "set aside the stipulated order of June 26, 1986" and permit defendants to issue a request for proposals which will enable defendants to hire another consultant for completion of the TDC's work".

In plain terms the city plans to seek the removal of these three experts, write off the $330,000 of taxpayer's money already paid to them, and send out another RFP and start the entire process all over again. This is totally unacceptable to this Association. If this removal is allowed to go forth, as proposed, I shudder to think of the consequences.

We respectfully request this committee to provide Bill Language that would mandate the District to provide a promotional procedure and a date on which our members could anticipate taking a promotional exam.

Local 36 is of the opinion that the Fire Department should follow the lead of the Metropolitan Police Department and seek legislative relief that would allow the Fire Department to retire all members currently on sick leave that will not be able to return to firefighting, without reducing the authorized federal payment to the Police and Fire Pension Fund. Local 36 brought this to the attention of Mayor Barry and former Fire Chief Coleman in the early fall, when there was still time to have the D.C. Fire Department included in the FY1989 Appropriations Act - but all to no avail.

Local 36 agrees with the Council that additional Federal funding is needed - not only an increased Federal payment to the city, but in our case, more Federal monies into the Police, Fire, Teachers and Judges Pension

System. Local 36 has gone on record to the Mayor (See Letter dated June 9, 1987), volunteering our services in lobbying the Congress to increase the Federal Contribution to the Police, Fire, Teachers, and Judges fund (and also to seek an extension past the year 2004.)

I am sad to report that the Mayor has never acknowledged our desire to assist, and what really distresses me the most is he told our Executive Board that he wasn't really concerned about the unfunded liability because he didn't plan to be the Chief Executive when the city assumes the total responsibility of the pension system in the year 2004.

The controversy over the city's Residency Requirement and the directive given to the city by the Congress to implement a Residency Preference System has still not been resolved. The Congressional directive called for Rules and Regulations to be in place by September 30, 1989 that would govern the preference system. Once again, the Executive Branch submitted proposed rules and regulations that we believe violated the intent of the Congressional directive and has added another "ingredient" to the controversy by proposing adding 10 points to the promotional process for residents. The City Council, exercising good judgement, rejected the proposed Rules and Regulations in total, and have requested another proposed set of rules.

The Council has adjourned for their Summer recess and will not return until September 26, 1989. It would appear to us that the Mayor, again is "foot dragging" on this Congressional directive and is intentionally holding up the complete implementation of the Residency Preference System because he was opposed to such a plan from the very beginnning. Therefore, we suggest Bill Language that would prohibit the District from requiring any employee to reside in the District of Columbia as a condition of retaining, holding, or accepting any appointment, position, promotion, increase in compensation, assignment, or job location. Such language would put the Residency Requirement to rest and eliminate the need for yet another level of bureaucracy to enforce the yet to be developed Rules and Regulations governing the preference system.

Finally, the Fire Department has failed to meet the directive by the subcommittee that established a program to insure that two qualified divers and equipment are procurred, trained, available and operational by January 1, 1988. The sad commentary is that we already have trained SCUBA Divers already assigned to our Marine Units and Heavy Duty Rescue Squads, but they lack the "city furnished" SCUBA Gear to enter the water.

Once again I will be giving a deposition in a law suit, filed by the families of the deceased victims of the helicopter that crashed in the Washington Channel on August 21, 1988. Again, we're not looking at tremendous outlays of the capital to establish this Dive Team, but what we do have is "intentional foot dragging" by city officials who view your directive as meddling in city affairs. Such rational is criminal and it appears the city must thrive on adverse publicity like it received when Officer Kevin Welch drowned while attempting to save a suicide victim. The D.C.F.D. Fireboat was on the scene but could offer no assistance and divers from Prince George's County were the first to SCUBA Team respond.

We have addessed many areas that we believe fall under the purview of this committee. We appreciate the opportunity to appear, and are available to respond to any questions the committee might have.

Calendar No. 318

100TH CONGRESS
1st Session

SENATE

REPORT
100–162

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1988

SEPTEMBER 17, 1987.—Ordered to be printed

Mr. HARKIN, from the Committee on Appropriations, submitted the following

REPORT

[To accompany H.R. 2713]

The Committee on Appropriations, to which was referred the bill (H.R. 2713) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1988, and for other purposes, reports the same to the Senate with various amendments and presents herewith information relative to the changes recommended.

PUBLIC SAFETY AND JUSTICE—Continued

Activity	Appropriation 1987	Budget estimates 1988	House allowance	Committee recommendation
Settlements and judgments	$6,600,000	$7,100,000	$7,100,000	$7,100,000
Public Defender Service	4,786,000	5,018,000	5,018,000	5,018,000
Pretrial Services Agency	2,367,000	2,538,000	2,538,000	2,538,000
Department of Corrections	163,230,000	179,934,000	179,934,000	181,802,000
Board of Parole	1,571,000	3,984,000	3,984,000	3,984,000
National Guard	863,000	935,000	960,000	935,000
Office of Emergency Preparedness	1,466,000	1,910,000	1,910,000	1,910,000
Commission on Judicial Disabilities and Tenure	116,000	122,000	122,000	122,000
Judicial Nomination Commission	37,000	37,000	37,000	37,000
Law Revision Commission	220,000	220,000	220,000	220,000
Office of Criminal Justice Plans and Analysis	983,000	2,259,000	2,259,000	1,509,000
Total	600,165,000	654,331,000	654,392,000	657,367,000

METROPOLITAN POLICE DEPARTMENT

The Committee recommends $178,813,000 and 4,802 positions for the Metropolitan Police Department for fiscal year 1988. This is $18,747,000 above the current year and the same as the House. It is also an increase of 204 positions.

The increase in positions represents the civilianization of 129 uniformed positions and for an increase of 75 police cadets. The reassigned uniformed personnel will support a special emphasis unit, which will target special crime problems such as narcotics sales. It will also augment the auto theft unit. These actions will reduce the heavy use of overtime in these areas.

The Metropolitan Police Department estimates that during fiscal year 1988 there will be more than 55,000 arrests, of which more than 13,000 will be for narcotics violations.

FIRE DEPARTMENT

The Committee recommends $73,879,000 and 1,938 positions for the Fire Department in fiscal year 1988. This is the same as the budget request and the House allowance, and an increase of $4,748,000 and 67 positions above fiscal year 1987.

The Fire Department operates 33 engine companies, 17 aerial ladder companies, 22 ambulances, 4 rescue squads, and 1 fire boat. In fiscal year 1988 the department plans to expand the fire cadet program by 50 cadets and will provide funds for tuition costs to provide a college degree program in emergency medicine at the University of the District of Columbia. The bill also includes 15 additional fire inspectors to increase the number of building inspections.

Several recent incidents have raised a question of public safety and commonsense decisions in the Fire Department.

In December 1986 a car entered the water from East Potomac Park. Both fireboats were on the scene in minutes and within 10 minutes of the call going in, the car was located in 20 feet of water, according to Fire Department information. However, since the DCFD does not have diving teams, it was 45 minutes before the Metropolitan Police Department team was in the water. This is far to long when the primary mission of public safety agencies is rescue, not salvage.

Another pointedly tragic event happened that same month when a Metropolitan Police officer drowned while attempting to save a suicide victim. Again the DCFD fireboat was on the scene but could offer no assistance and divers from Prince George's County were the first to respond.

Most recently, in August 1987, a helicopter with four persons on board plunged into the Washington Channel, within site of the DCFD fireboat and MPD harbor unit. These units were on the scene within minutes and again a lack of coherent diving policy met with tragic results. The police units were required to return to their port to load diving equipment, and valuable time was wasted.

The District is blessed with a much useful waterfront. The city has been a leader in preserving, developing, and encouraging people to come to the water, the annual River Fest is a prime example. Swift and effective water rescue has become absolutely essential, not only on the river waterfront but in areas that are inaccessable to the fireboats and harbor units. These areas include the Tidal Basin, the reservoirs, Kingman Lake, and some portions of the Anacostia River. In these areas one of the city's heavy duty rescue squads responds to the emergency. However, through misguided efficiencies and bureaucratic analysis important public safety concerns have been left unaddressed. The Committee is reluctant to second guess and provide direction to those who are charged with the responsibility to make such decisions, however when recent events do not spur action, and concern was internally expressed about the adequacy of water rescue as early as December 1984 with no subsequent action, there is little choice.

Therefore, the Committee directs that the Fire Department take immediate steps to implement a program to insure that two qualified divers and equipment are procured, trained, available, and operational not later than January 1, 1988, for each of the four rescue squads and fireboat 1 and fireboat 2. The Committee expects to receive a progress report not later than November 15, 1987, on the status of this directive.

The Committee is informed that the cost of necessary equipment is approximately $10,000 and believes that this sum can be accommodated within the sums provided. However, the Committee would consider a supplemental request or reprogramming if such actions are necessary.

POLICE AND FIRE RETIREMENT SYSTEM

The Committee recommends $114,635,000 for the Police and Fire Retirement System. This is the same as the House allowance and $35,000 above the budget request. This amount will support 1,890 retirees, 2,210 disability retirees, and 1,378 survivors on the rolls.

FIRE FIGHTERS ASSOCIATION

LOCAL No. 36
INTERNATIONAL ASSOCIATION
of FIRE FIGHTERS

DISTRICT OF COLUMBIA
2120 BLADENSBURG ROAD, N. E.
SUITE 210
WASHINGTON, D. C. 20018-1498
CODE 202 635-8500

THOMAS N. TIPPETT
President
RAYMOND SNEED
1st Vice President
KENNETH M. COX
2nd Vice President
JOHN J. KINNEY
Treasurer
WILLIAM E. ANDERSON
Sergeant-at-Arms
JACKSON H. GERHART
Secretary

January 30, 1989

Carol Thompson
City Administrator
District Building
1350 Penn. Ave., N.W.
Washington, D.C. 20004

Dear Ms. Thompson:

As a member of the Mayor's Emergency Medical Advisory Committee I have become very frustrated at the lack of candor displayed by Mr. John Cavanagh, Director Emergency Ambulance Bureau in responding to requests for information. In an attempt to ascertain why Medic Units are downgraded to Basic Units daily and why Units are regularly placed out of service due to manpower shortages, members of the Committee have repeatedly requested staffing information from Mr. Cavanagh. Specifically, we have asked him to take a 30 day period and report how many firefighters are detailed to the E.A.B. on a daily basis.

Mr. Cavanagh has on several occasions stated for the record that he does not need firefighters to help staff the E.A.B. I believe the facts state otherwise. As an example I submit for your information the following examples of details from firefighting to the E.A.B.:

12-16-88 - 7 firefighters to the E.A.B. and temporarily 4 Medic Units and one Basic Unit place out of service.

12-20-88 - 7 firefighters to the E.A.B.

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GREATER WASHINGTON CENTRAL LABOR COUNCIL

Carol Thompson
January 30, 1989
Page Two

12-21-88 - 7 firefighters to the E.A.B.

12-25-88 - 8 firefighters to E.A.B. and plan E placed in effect

12-26-88 - 16 firefighters to E.A.B.

12-27-88 - 13 firefighters to E.A.B.

01-28-89 - 37 firefighters to E.A.B.

01-29-89 - 16 firefighters to E.A.B.

It is my opinion that the above numbers are conservative estimates and that the actual details on the dates specified are in excess of what I have indicated.

As you are aware every one of these details results in overtime costs charged against the Firefighting Division. More importantly, if this pattern continues it most certainly will have an adverse impact on the firefighting and E.M.S. capabilities of the firefighting force.

Therefore, I respectfully request that you direct Mr. Cavanagh to provide to members of the Mayor's EMS Advisory Committee a list of details to the E.A.B. by firefighters for the months of November, 1988, December 1988 and January 1989.

Respectfully,

Thomas N Tippett

Thomas N. Tippett
President

cc: Rayfield Alfred
Acting Fire Chief

Mark Levitt
Director, Office of Labor Relations

FIRE FIGHTERS ASSOCIATION
DISTRICT OF COLUMBIA
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LOCAL No. 36
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Sergeant-at-Arms
JACKSON H. GERHART
Secretary

June 9, 1987

Mayor Marion Barry
The District Building
1350 Penn. Ave., N.W.
Washington, D.C. 20001

Dear Mayor Barry:

I read with interest the Article in The Washington Post on 6-7-87 "Gloomy D.C. Financial Outlook. Needless to say, as President of the District of Columbia Fire Fighters Association, I too am concerned with particular emphasis on the unfunded pension liabilities. As you are well aware the Federal contribution of 52 million dollars will cease in the year 2005.

We believe the Federal Government has an obligation to pay their fair share of the unfunded liability that was accrued prior to Home Rule and our organization is willing to do whatever we can to assist the city in making this happen. Local 36 has developed an excellent working relationship with many members of Congress and their staff through the International Association of Fire Fighters, AFL-CIO and our Executive Board member Ken Cox.

Now that Rep. Stan Parris has become the Ranking Minority Member of the Committee on the District of Columbia I believe the time to plan a course of action is now. Local 36 has an excellent working relationship with Rep. Parris and the other conservative members of the House of Representatives whose support is vital to achieve this task. We believe that time is of the essence, in as much as Mr. Parris is testing the political waters with a view towards the Governor's Mansion in 1989.

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GREATER WASHINGTON CENTRAL LABOR COUNCIL

Mayor Marion Barry
June 9, 1987
Page Two

I would like to meet with you as quickly as possible to do what we can to continue the 52 million dollars payment past the year 2005.

I await your reply.

Sincerely,

Thomas N Tippett

Thomas N. Tippett
President

cc: Council Chairman David Clarke
Ms. Gwen Hemphill

ARTICLE 49

SICK LEAVE INCENTIVE

(REJECTED BY CITY)

In order to recognize an employee's productivity through his/her responsible use of accrued sick leave, the Employer agrees to provide Personal Leave Days in accordance with the following:

1. Effective for the Leave Years of 1988, 1989 and 1990, a full-time employee who is in a pay status for the Leave Year shall accrue:

   a. Three (3) Personal Leave Days for utilizing a total of no more than two (2) days of accrued sick leave.

   b. Two (2) Personal Leave Days for utilizing a total of more than two (2) but not more than four (4) days of accured sick leave.

   c. One (1) Personal Leave Day for utilizing a total of more than four (4) but no more than five (5) days of accured sick leave.

2. Employees in a non-pay status for no more than two (2) pay periods for the Leave Year shall remain eligible for Personal Leave under this article. Sick leave usage for maternity and catastrophic illness/injury, not to exceed two (2) consecutive pay periods, shall not be counted against sick leave

for calculating eligibility for Personal leave under this article.

3. Personal Leave Days shall be selected by the employee and requested at least three (3) full work days in advance of the leave date. The employee's supervisor shall approve such Personal Leave requests unless staffing needs or workload considerations dictate otherwise. If the request is denied, the employee shall request and be granted a different day off of his/her choice within one (1) month of the requested date. Requests for Personal Leave shall be made utilizing the "application for Leave" form (DCSF-71).

4. All Personal Leave Days must be used in full-day increments within the Leave Year following the Leave Year in which they were earned and may not be substituted for any other type of absence from duty. There shall be no carryover or payment for any unused Personal Leave Days.

5. Part-time employees are not eligible for Personal Leave days as provided in this Article.

6. Members on sick leave who receive a ruling of administrative leave-sick (performance-of-duty) shall remain eligible for personal leave under the is article.

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JACKSON H. GERHART
Secretary

December 6, 1988

The Editor
Washington Times
3600 New York Ave., N.E.
Washington, D. C. 20016

Dear Editor:

The recent article "Review Hits D.C. Fire Department on Overtime, Workload, Absences" neccesitates comments from the Labor Organization which represents the D.C. Firefighters.

The story, based on an evaluation of the D.C. Fire Department by District officials portrays our city firefighters as a "greedy group of malingerers". In reality, the Department's analysis is a thinly disguised attempt to reduce the manning per piece of apparatus by 20% - from five firefighters to four firefighters. Having failed to achieve support for such a manning reduction based on any reasonable standard of fire operations or practice, the Barry Administration now centers on the argument that the increase in overtime costs are being driven by the lack of productivity and high absenteeism of the D.C. Fire Department firefighters with the culprit being the five man engine company. The staffing configuration of a 5-man, two-piece engine company has been in existence since 1929. Therefore, the dramatic increase in overtime costs since FY 1983 certainly cannot be attributed to the 5-man staffing level.

Analysis of the data presented indicates that the extraordinary increase in the level of overtime costs is caused by three factors: 1) lack of hiring to fill vacancies, 2) detailing personnel from the Firefighting Division to unauthorized positions in support divisions, and 3) filling civilian

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GREATER WASHINGTON CENTRAL LABOR COUNCIL

Emergency Medical Services and Communications Division positions with suppression personnel and charging the overtime costs to the Firefighting Division. These three factors alone account for approximately $7.9 million, or nearly 75% of the Department's total FY '88 overtime costs.

Figures obtained from the official D.C. Fire Department roster as of October, 1988 show that there are 130 firefighter vacancies, 41 firefighters on extended sick leave, 23 firefighters on limited duty, 9 firefighter on leave without pay, 1 firefighter suspended and at least 19 firefighters/officers detailed from the Firefighting Division to administrative duties. All these vacancies totaling 223 fire fighters are replaced by overtime workers.

With regards to sick leave abuse it is somewhat difficult to delve very deeply into the DCFD's comparisons with other Fire Departments without first having the raw data upon which the comparisions are based, or even the names of the jurisdictions utilized by the DCFD in its universe. Without this information the probative value of such comparisons is highly questionable.

For example, the Department states that the DCFD has a sick leave experience 250% higher than the 10-day average of other Fire Departments they have surveyed. The Department, however, does not indicate whether this 10-day average is ten 12-hour days or ten 24-hour days. Such information is important when comparing to Washington's experience of twenty-five 12-hour days or 300 hours. If the other cities in the Department's universe have an average experienced ten 24-hour days of sick leave, then the relative comparisions of the DCFD is not 250% greater than the average but only 25% greater. Furthermore, the Department does not indicate whether or not this average for other fire departments includes all forms of illness and injury leave as does the figure for the District of Columbia Fire Department. For example, the Washington data of 300 hours includes line-of-duty, non-line-of-duty and extended sick leave. Depending on how specific the Department was in its survey, it is entirely possible that these other fire departments only provided data on non-line-of-duty sick leave usage.

It now seems ironic that during the contract negotiations during the Spring of 1988 the Barry Administration rejected the proposal of Local 36 to include Article 49 in our contract titled, "sick leave incentive". The purpose of a "sick leave incentive" as included in other city contracts is to encourage employees to refrain from using sick leave unnecessarily. However, the Chief Negotiator for the city Mr. Donald Weinberg responsed that unlike other D.C. Agencies, the Fire Department does not have a problem with abuse of sick leave. Employees of other agencies use 98% of the sick leave earned in a year; Fire Department employees use approximately 68% of the sick leave they earn.

The Department's survey of other Fire Departments also suggests that the total time off for firefighters in D.C. is 80% higher than the average of 35 days. The same problem of what consititutes a day-12 or 24-exists here as it does with the sick leave comparison. Should this average of 35 days be days of 24 hours, the actual amount of total time off would be 840 hours, quite similar to D.C.'s.

The DCFD indicates that the average overtime costs as a percentage of the budget is only 5% in these other Fire Departments, while D.C.'s experience is 15.3%. Having already addressed that the reason for Washington's higher relative overtime costs is due to understaffing and details, it is pertinent here to discuss only those reasons why other Fire Departments' overtime costs are so modest. The Department would suggest that those lower costs are due to the fact that other departments can run down the daily strength in the absence of a minimum manning provision. Alternatively, it is very possible that these other departments are closer to being fully staffed than is the DCFD. For example, the City of Baltimore--30 miles from Washington - has practically no overtime. It has accomplished this through a fully staffed department. In other words, with nearly the same manning factors of 4.5 personnel per work station, Baltimore with no overtime produces the same number of personnel on duty per 24-hour period as does Washington.

It, therefore, appears that the overtime costs problems of the District of Columbia Fire Department are, in fact, related to the substantial understaffing of the Firefighting Division and not, as suggested by management, related to the abuse and absenteeism of the firefighters.

In conclusion, engine companies, truck companies, rescue squads, battalion fire chiefs and support units recorded a total of 112,897 responses during FY 88, a 4% increase over FY 87. This increased workload and the related services performed, speak for themselves. I strongly resent the implication by city officials that D.C. firefighters are system abusers. . . when the truth of the matter is the current overtime crisis is the failure of the Fire Department Brass to manage the Fire Department.

Sincerely,

Thomas N Tippett

Thomas N. Tippett
President

EVALUATING OVERTIME IN THE D.C. FIRE DEPARTMENT

-- A RESPONSE --

The District of Columbia Fire Department's (DCFD's) briefing paper "Evaluating Overtime in the Fire Department" stated the purpose is the examination of the causes which have forced overtime costs to increase from 5% of the budget in FY '83 to 15.3%.

In reality, the Department's analysis is a thinly disguised attempt to reduce the manning per piece of apparatus by 20%--from 5 men to 4. Having failed to achieve support for such a manning reduction based on any reasonable standard of fire operations or practice, the Department now centers on the argument that the increase in overtime costs are being driven by the lack of productivity and high absenteeism of the DCFD fire fighters with the culprit being the 5-man engine company.

The fact of the matter is that the root cause of the Department's overtime costs does not be the feet of the fire fighters or the requirement of 5 men on a piece of apparatus but with management's inability to effectively provide enough resources for the Department to carry out its mission.

The Five-Man, Two-Piece Engine Company

The DCFD seems intent on fostering the notion that the 5-man engine company is the principal cause of its increased overtime costs. Thus, escalating overtime could be halted or even eliminated if the Department would be allowed to reduce that 5-man configuration to 4. The simple fact is that no manning configuration whether it be five, four or even three, in and of itself, creates any given level of overtime. The level of overtime costs is a mathematical function of how management desires to meet the personnel requirements of any given level of staffing. In other words, in producing any given level of staffing, management is faced with a number of choices or variables. It is management's response to these variables that should be questioned not the given level of staffing. In the case of the DCFD, the staffing configuration of a 5-man, two-piece engine company has been in existence for at least 25 years. Therefore, the dramatic increase in overtime costs since FY '83 certainly cannot be atrributed to the 5-man staffing level.

Actual Causes for Increased Overtime

Analysis of the Department's data presented indicates that the extraordinary increase and the level of overtime costs is caused by three factors: 1) lack of hiring to fill vacancies, 2) detailing personnel from the Firefighting Division to unauthorized positions in support divisions, and 3) filling civilian Emergency Medical Services positions with suppression personnel and charging the overtime costs to the Firefighting Division. These three factors alone account for approximately $7.9 million, or nearly 75% of the Department's total FY '88 overtime costs.

Insufficient New Hires

The DCFD currently has a staffing factor of 4.54 for its Firefighting Division which quite comparable to, if not lower than, other cities with similar average workweeks. This staffing factor in the DCFD is calculated as follows:

365 Day/24 Hour Coverage	8,760.00
Pure 3 Platoon Scheduled Hours	2,920.00
Time Off	
Kelly Days	(417.14)
Annual Leave	(261.00)
Personal Leave	(12.00)
Sick Leave, Light Duty	(59.64)
Micellaneous Leave	(72.24)
Hours Worked	1,928.54
Manning Factor	4.542
On-Duty Positions	292
Manpower Required	1,326
Current Roster	1,191
Number Currently Understaffed	135

As shown in the table, the staffing factor is 4.542 personnel required per work station (or on-duty position), while the number of current work stations is 292 -- assuming the current 5-man staffing per piece of apparatus. These two factors combine to produce a required fire suppression workforce of 1,326 personnel. However, as the table also shows, the current number of personnel assigned to the Firefighting Division is only 1,191 personnel. Therefore, the Division is 135 personnel short of its total requirement. This shortage translates into nearly 30 overtime slots per day.

Unauthorized Positions

Management, in its briefing report, states "Forty unauthorized positions have been created through use of details at an estimated cost of $2 million." These unauthorized positions in other support divisions are being filled in a real sense at overtime rates. Moreover, that overtime is charged to the Firefighting Division not to the division where the detailed fire fighter is sent. These details translate into nearly 9 overtime slots per day.

EMS Overtime

The personnel problems of the Emergency Medical Services (EMS) Division are well documented. However, what is not generally known is the fact that as many as 20 EMS work stations per day are being filled by fire fighters. These personnel are being called in on their off days, at overtime rates, in order to keep the City's 20 ambulances fully staffed. While this overtime is required to fill shortages in the EMS Division, the costs are charged against the Firefighting Division's budget. This practice takes place because the personnel filling the EMS positions are assigned to the Firefighting Division.

Sick Leave, Light Duty and Extended Sick Leave

Although much of the overtime costs associated with these items are subsets of the above, a word or two specifically about them is required. The Department estimates that the overtime costs associated with these items approximates over $4 million. However, the increases in these costs are by in large due to corresponding increases in fire fighter line-of-duty illness and injury.

In the case of extended sick leave's contribution to the overtime bill, this increasing cost is in large part due to the fact that Congress has imposed a cap on the number of disability retirements. However, this problem has nothing to do with filling the vacancies created. The Department, as stated previously, should fill the positions. It so happens that it has chosen to do so through overtime rather than by hiring and now blames the fire fighters for the resulting cost.

Inter-Jurisdictional Comparisons

It is somewhat difficult to delve very deeply into the DCFD's comparisons with other fire departments without first having the raw data upon which the comparisons are based, or even the names of the jurisdictions utilized by the DCFD in its universe. Without this information the probative value of such comparisons is highly questionable.

For example, the Department states that the DCFD has a sick leave experience 250% higher than the 10-day average of other fire departments they have surveyed. The Department, however, does not indicate whether this 10-day average is ten 12-hour days or ten 24-hour days. Such information is important when comparing to Washington's experience of twenty-five 12-hour days or 300 hours. If the other cities in the Department's universe have on average experienced ten 24-hour days of sick leave, then the relative comparisons of the DCFD is not 250% greater than the average but only 25% greater. Furthermore, the Department does not indicate whether or not this average for other fire departments includes all forms of illness and injury leave as does the figure for the District of Columbia Fire Department. For example, the Washington data of 300 hours includes line-of-duty non-line-of-duty and extended sick leave. Depending on how specific the Department was in its survey, it is entirely possible that these other fire departments only provided data on non-line-of-duty sick leave usage.

The Department's survey of other fire departments also suggests that the total time off for fire fighters in D.C. is 80% higher than the average of 35 days. The same problem of what consititutes a day--12 or 24--exists here as it does with the sick leave comparison. Should this average of 35 days be days of 24 hours, the actual amount of total time off would be 840 hours, quite similar to D.C.'s.

The DCFD indicates that the average overtime costs as a percentage of the budget is only 5% in these other fire departments, while D.C.'s experience is 15.3%. Having already addressed that the reason for Washington's higher relative overtime cost is due to understaffing and details, it is pertinent here to discuss only those reasons why other fire departments' overtime costs are so modest. The Department would suggest that those lower costs are due to the fact that other departments can run down the daily strength in the absence of a minimum manning provision. Alternatively, it is very possible that these other departments are closer to being fully staffed than is the DCFD. For example, the City of Baltimore--30 miles from Washington--has practically no overtime. It has accomplished this through a fully staffed department. In other words, with nearly the same manning factor of 4.5 personnel per work station, Baltimore with no overtime produces the same number of personnel on duty per 24-hour period as does Washington.

It, therefore, appears that the overtime cost problems of the District of Columbia Fire Department are, in fact, related to the substantial understaffing of the Firefighting Division and not, as suggested by management, related to the abuse and absenteeism of the fire fighters.

F.D. Form 19.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE DEPARTMENT
WASHINGTON, D. C. 20001

APR 13 1989

Mr. Thomas Tippett
President
International Association of
  Fire Fighters
2120 Bladensburg Road, N.E.
Washington, D.C. 20001

Dear Mr. Tippett:

Pursuant to your recent Freedom of Information Act request for the total number of firefighter's detailed to the Emergency Ambulance Bureau (EAB) and Communications Division, below you will find such information.

However, EAB records indicate they can only provide information for January and February of 1988.

EMERGENCY AMBULANCE BUREAU

January 1989

1st - 4
2nd - 4
3rd - 7
4th - 5
5th - 1
6th - 7
7th - 4
8th - 3
9th - 4
10th - 1
11th - 6
12th - 1
13th - 10
14th - 11
15th - 12
16th - 8
17th - 4
18th - 3
19th - 6
20th - 8
21st - 7
22nd - 12
23rd - 4
24th - 4
25th - 10
26th - 12
27th - 18
28th - 17
29th - 3
30th - 0
31st - 3

TOTAL = 199

February 1989

1st - 6
2nd - 7
3rd - 1
4th - 1
5th - 5
6th - 9
7th - 2
8th - 0
9th - 0
10th - 0
11th - 1
15th - 1
16th - 3
17th - 0
18th - 0
19th - 0
20th - 6
21st - 3
22nd - 1
23rd - 2
24th - 6
25th - 8

13th - 1
14th - 0

27th - 1
28th - 0

TOTAL = 77

COMMUNICATIONS DIVISION

November 1988 = 33

December 1988 = 40

January 1989 = 48

February 1989 = 29

The Deputy Fire Chief/Firefighting has submitted the numbers below regarding firefighter's detailed in the Department during those months.

November 1988 - 12 hour shift - 401 Total FF's detailed in Dept.
24 hour shift - 200 Total FF's detailed in Dept.

December 1988 - 12 hour shift - 422 Total FF's detailed in Dept.
24 hour shift - 211 Total FF's detailed in Dept.

January 1989 - 52 FF's detailed to Communications Division
- 398 FF's detailed to EAB
(Total = 450)

February 1989 - 25 FF's detailed to Communications Division
- 85 FF's detailed to EAB
(Total = 110)

Sincerely.

Theodore O. Holmes

Theodore O. Holmes
Captain
Public Affairs

FIRE DEPARTMENT

ACTUAL EXPENDITURES FY'88	PLANNED EXPENDITURES FY'89	EXECUTIVE REQUEST FY'90	NET CHANGE FY'88 FY'89 (+/-)	COMMITTEE RECOMMENDATION FY'90	NET CHANGE COMM/EXEC (+/-) FY'90
84,097,000	86,488,000	101,142,000	+14,654,000	99,618,000	1,524,000
P 1,938	2,032	2,032	0	2,032	0

INTRODUCTION

The Fire Department provides, within the entire geographical boundaries of the District of Columbia, services for the prevention of fire should it occur, emergency ambulance service and medical care, and other appropriate protection for life and property. The Department's authority is found in Article 4, Chapter 3, of the D.C. Code and is organized according to the Mayor's Order 81-233A, dated November 9, 1981.

RECOMMENDATION

The Fire Department's appropriated budget request for FY 1990 is $101,142,000 and 2,032 continuing full-time positions, an increase of $14,654,000 and no positions.

The personal services requested is for $89,985,000, an increase of $13,920,000. This includes: $3,789,000 for pay adjustments and within grades; $8,100,000 for increased overtime; $345,000 for employee benefits; $140,000 to upgrade 18 EMT positions to supervisory levels; $179,000 for 5 temporary EMT instructors; $86,000 for 5 WAE in-field medical evaluators; and $1,272,000 to annualize 65 positions.

The non-personal services request is for $11,157,000, an increase of $734,000, this includes $300,000 for a Quality Assurance contract to provide medical evaluations in the Emergency Ambulance Division; $184,000 to fund 8 passenger vehicles for ambulance supervisors and $250,000 to fund paramedic training at UDC.

The Department is requesting $8,100,000 for increased overtime costs. During the Committee's budget hearings, Fire Chief Rayfield Alfred indicated that the Department spent approximately $14 million on overtime in FY'88. In its budget document, the Department indicates that one reason for increased overtime cost is to continue to maintain 5 firefighters - 2 pumping engine companies. In response to a written question asked during the budget hearings, the Department indicated that the major reason for increased overtime is that the Department has not had sufficient staffing levels to carry out all programs.

The Committee does not accept this rationale. Over the last several years, this Committee has tried to ensure that the Department had all the resources necessary to fulfill all the Committee's mandates and the Department's various missions. Indeed, the Committee would find it difficult to find examples where the Department has failed to receive the resources it has requested. This Committee has consistently provided additional resources to the Department above its own requests. Some of these involve providing an additional $1,700,000 in FY'85 to permit full manning of all firefighter positions, providing additional fire inspector positions, providing additional positions to fully man the Hazardous Materials Unit, additional ambulance units, and other increases in resources above the Department's requests.

The Department has long operated with 5-man, 2-piece companies. Overtime did not begin to increase dramatically until the Department's involvement in affirmative action litigation interrupted its hiring schedule. Since that time, the Department's overtime costs have escalated drastically. As stated above, in the FY'85 budget, this Committee provided an additional $1,700,000 to permit full manning of all firefighter positions. If additional personnel were necessary to fully staff all workstations in the Department, the Department should have requested additional firefighter positions instead of overtime. During the FY'90 budget hearings, Chief Alfred indicated that the hiring of 98 new firefighters should reduce the amount of overtime. Chief Alfred also stated his plan to establish a task force to consider methods of reducing overtime cost. The Committee is sure the Department can better control its overtime cost. Accordingly, the Committee recommends reducing the Department's overtime request to $7.1 million, a reduction of $1 million.

EMERGENCY AMBULANCE DIVISION

The Committee is concerned about response times in the Emergency Ambulance Division. During the Department's budget hearing, the Committee heard testimony from 3 different sources that actual response times were not being logged in the Communications Division in as much as 30% to 40% of ambulance runs. With the absence of 30% to 40% of arrival times, it is clear that no statistics concerning response time can be considered accurate. The Committee does not understand why these times are not being properly logged. Therefore, the Committee directs the Department to report within 30 days, on the allegations concerning the failure to log arrival times on ambulance runs, indicating how often times are not logged, response times on times logged, and the Department's plans to correct this situation.

During the FY'89 budget process, the Division indicated a plan to deploy ambulances on a "peak period" basis, from a low of 16 to a high of 26. The Committee directed the Division to maintain at least 22 ambulances in service at all times. This directive was not followed. On January 27, 1989, the Division began a "test" run of this program. The Committee remains concerned about the reduction of 6 ambulances, 27% of the available fleet, during non-peak hours. The Committee believes that this reduction will have a detrimental effect on the efficiency and response time of the ambulance division. The Committee again directs the Division to maintain at least 22 ambulances in service at all times.

The Emergency Ambulance Division is requesting $184,000 to purchase 8 new cars for the ambulance supervisor. There is a similar request in the FY'89 supplemental budget for a total of 16 new cars. Currently, supervisors drive reserve ambulances. The budget request indicates that the reserve ambulances should remain available to expand operations when necessary. While we may wish to have supervisors use cars instead of reserve ambulances, there is no need for 16 new cars. The budget document indicates that at the most only 5 supervisors will be on duty at any one time and a need for 3 reserve supervisor vehicles. There appears to be a duplicate request in FY'89 supplemental the and FY'90 budgets. As the Committee approved 8 new vehicles in the FY'89 supplemental, it disapproves this increase in FY'90 for a savings of $184,000.

Last year, the Division requested $150,000 for a paramedic recruitment program. The Committee directed the Emergency Ambulance Division to provide monthly reports detailing the Division's paramedic recruitment efforts, including where the funds were spent and the number of applicants responding to the recruitment efforts. The Division failed to keep the Committee informed as to its recruitment efforts. During the Department's budget hearings, Mr. John Cavenaugh, Director of the Emergency Ambulance Division, indicated that the recruitment program was unsuccessful. The Committee understands that as few as 4 paramedics were recruited as a result of this program. Mr. Cavenaugh has indicated that this year recruitment efforts would concentrate on newly graduated paramedics rather than those with experience.

With the failure of last year's recruitment efforts, the Committee questions whether this remains an appropriate use of these funds. However, considering the Division's shortage of paramedics, the Committee will approve this expense. The Committee again directs the Division to keep the Committee informed as to its recruitment efforts. The Committee directs the Division to provide monthly reports on the Division's efforts, detailing how the funds are spent and the number of applicants responding to the recruitment program.

The Emergency Ambulance Division is requesting $300,000 in FY'90 to fund a Quality Assurance contract to evaluate the quality of medical care given by EMT's and paramedics. The Division is also requesting $86,000 to fund 5 WAE in-field evaluators. The budget document indicates that while this service will be contracted out in the future, the Division must employ its own evaluators until the contract is implemented. These employees will be medical professionals.

Last year, the Council disapproved a request to fund an in-house quality assurance program at a cost of $1,665,000 and 47 positions. These 2 programs appear to be substitutes for that program. At that time, the Committee indicated that it believed the most important duty of the Division was the transportation of injured persons and that efforts should be concentrated in this area before providing services not directly related to the transportation of injured persons. The Committee also indicated that in the face of the District's fiscal condition at that time, it questioned the wisdom of spending $1.6 million which would not transport one additional patient.

The Committee echoes these concerns again this year. The Quality Assurance contract will not transport one patient. Additionally, the District's present fiscal condition is much worse than last year. While the Committee believes that this $300,000 could be better spent, it does believe that some medical evaluation of medical care provided is needed. Accordingly, the Committee recommends approval of the 5 WAE in-field evaluators but disapproves the Quality Assurance contract for a savings of $300,000.

The Emergency Ambulance Division is requesting $179,000 for 5 temporary EMT instructors, an average of $35,800 per instructor. Since the Committee believes that this request is excessive, it recommends $139,000 for this purpose for a total savings of $40,000.

Overtime	$1,000,000
Ambulance supervisor vehicles	184,000
Quality Assurance contract	300,000
Temporary EMT instructors	40,000
TOTAL	$1,524,000

The Committee recommends a FY 1990 appropriated budget for the Fire Department of $99,618,000 and 2,032 positions, a decrease of $1,524,000 from the Mayor's request.

The Committee recommends approval of the Fire Department capital budget request.

D.C. FEDERATION OF CIVIC ASSOCIATIONS, INC.
P.O. BOX 4549
Washington, D.C. 20017

JOSEPH W. CARTER
President

RONNIE L. EDWARDS
1st Vice-President

BRIAN P. MOORE
2nd Vice-President

THOMAS J. HOUSTON
3rd Vice-President

Dr. SHEILA H. GRAY
Recording Sec'y.

AQUANETTA ANDERSON
Ass't. Recording Sec'y.

ANN M. KING
Corresponding Sec'y.

KATHRYN PEARSON-WEST
Ass't. Corresponding Sec'y.

DORIS V. JOHNSON
Financial Secretary

GEORGE A. BOYD
Treasurer

APPOINTED OFFICERS

GREGORY R. NEW
Archivist

Rev. ROBERT G. CHILDS
Chaplain

WILLIAM WILSON
Parliamentarian

SIMON L. CAIN, Esq.
Sergeant-At-Arms

February 27, 1988

To Whom it may concern

The D. C. Federation of Civic Associations, Inc. at their regular monthly general assembly, February 26, 1988, did unanimously vote to oppose any manpower reduction in The Fire Companies from five (5) to four (4) Fire Fighters; and did unanimously vote to oppose the reduction of Fire Apparatus assigned to Fire Companies from two (2) engines to one (1) engine.

Joseph W. Carter
Joseph W. Carter, President

cc: D. C. Fire Chief
D. C. Mayor
D. C. City Council Chair
D. C. City Council Members
D. C. Delegate to the House of Representatives
U. S. Senate Committees for the District of Columbia
U. S. House Committees for the District of Colimbia
The Federation of Citizens Associations of the D. of C.
The Media

"65 Years Serving the Community"

OFFICERS

President
MRS. EDWARD B. MORRIS
3700 BENTON STREET, N.W. 20007
[illegible]

First Vice President
JAMES J. MOLINELLI

Second Vice President
DINO JOSEPH DRUDI

Treasurer
WALTER L. WRIGHT III

Secretary
MRS. NANCY F. WRIGHT
[illegible] W STREET, N.W. 20007
[illegible]

Federation of Citizens Associations
of the District of Columbia
ORGANIZED MARCH [illegible] ○ INCORPORATED JUNE [illegible]

EXECUTIVE BOARD

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MRS. SAMUEL BIGIO
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LEONARD P. OUSLEY
DR. ROBERT STIEHLER
MRS. NANCY F. WRIGHT
WALTER L. WRIGHT, III

February 18, 1988

To Whom it may concern

The Federation of Citizens Associations of the District of Columbia, Inc. at their regular monthly meeting, February 11, 1988, did unanimously vote to oppose the manpower reduction in The Fire Companies from five (5) to four (4) Fire Fighters; and did unanimously vote to oppose the reduction of Fire Apparatus assigned to Fire Companies from two (2) engines to one (1) engine.

Mabel E. Morris
Mrs. Edward B. Morris, President

cc: D. C. Fire Chief
D. C. Mayor
D. C. City Council Chair
D. C. City Council Members
D. C. Delegate to the House of Representatives
U. S. Senate Committees for the District of Columbia
U. S. House Committees for the District of Columbia
The D. C. Federation of Civic Associations, Inc.
The Media

FIRE DEPARTMENT - OVERTIME

FISCAL YEAR	BUDGETED	ACTUAL
1982	$544,600	$3,775,700
1983	333,300	2,506,000
1984	333,300	4,138,000
1985	522,000	7,711,000
1986	522,000	8,369,000
1987	1,606,000	10,391,000
1988	2,106,000	14,849,000
1989	4,899,000	
1990 request	11,999,000	

Source:
Congressional Budget
Justifications

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

June 2, 1988

Honorable Tom Harkin
Chairman
Subcommittee on the District of Columbia
Committee on Appropriations
United States Senate

Dear Chairman Harkin:

I have recently discovered that two salient directives made by the Council in its March 22, 1988 action on the Fiscal Year 1989 Budget Request were not acknowledged in the District's transmission of the Budget Request to the Congress. Both directives concern the District's Fiscal Year 1989 Budget Request for the Fire Department and I am writing to you to inform you of this inaccuracy in the Supporting Schedules for the Fiscal Year 1989 Budget Request.

The first directive of the Council concerns the number of ambulance units to be available during the course of a twenty four hour period. The Mayor's Budget request to the Council indicated that the Fire Department planned to institute a system whereby the number of available ambulances would vary according to "peak" and "non-peak" periods. During "peak" periods there would be as many as 26 units available and during "non-peak" periods as little as 16 units would be available.

The intention to institute that plan was presented to the Council on page 856 of Volume II of the Supporting Schedules for the Fiscal Year 1989 Budget Request transmission to the Council. It is repeated verbatim on page 940 of Volume II of the Supporting Schedules for the Fiscal Year 1989 Budget Request transmission to the Congress despite the clear directive of the Council as adopted by the Committee on the Judiciary and then adopted by the Council as a whole that "The Committee directs the (Ambulance) Division to maintain at least 22 ambulances in service at all times", (p. 15 Budget Report of the Committee on the Judiciary on the Fiscal Year 1989 Budget Request).

The second directive, also made by the Committee on the Judiciary and then adopted by the full Council, concerned the Department's plan to convert from five man/ two piece company to four man/ one piece company. That plan presented to the Council on page 856 of Volume II of the Supporting Schedules for the Fiscal Year 1989 Budget Request transmission to the Council. It is repeated verbatim on page 940 of Volume II of the Supporting Schedules for the Fiscal Year 1989 Budget Request transmission to the Congress despite the directive of the Council as adopted by the Committee on the Judiciary (p. 17):

> While many cities operate with one piece engine companies, this reduction would remove 33 pumping engines, 40% of our firefighting equipment, from District streets. The budget (request of the Mayor) does not speak to trial periods, increasing the number of engine companies or staggered implementation of the one piece engine company.
>
> The Committee (on the the Judiciary) believes that the District should maintain its current 5 man/ two piece company. A reduction of 20% in men and a greater percentage in available equipment would necessarily cause a reduction in fire protection for District residents.

The Mayor approved the Fiscal Year 1989 Budget Request Act without exercise of his line-item veto power and thus the Council's action represents the District's position.

The language in the "Congressional Transmission" represents either an error or an effort on behalf of the District's Office of the Budget to misrepresent the District's position on these matters. If the former, then this letter should serve to correct the record. If the latter, the Congress should not permit the Executive branch to pursue before the Congress a position it has failed to use its options to pursue at the local level.

Sincerely yours,

David A. Clarke,
Chairman

cc: Councilmembers

I

100TH CONGRESS
2D SESSION

H. R. 4776

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 1988

Ordered printed with amendments of the Senate numbered

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1989, and for other purposes, namely:

(1) *TITLE I—FISCAL YEAR 1989 APPROPRIATIONS*

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1989, $430,500,000: *Provided,* the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia shall also take steps to publicize the availability of that service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County and Prince William County, Virginia for expenses incurred by the counties during fiscal year 1989 in relation to the Lorton prison complex. Such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: *Provided further*, That none of the funds appropriated by this Act may be used to implement any plan that includes the closing of Engine Company 3, located at 439 New Jersey Avenue, Northwest (6)*: Provided further, That the staffing levels of two piece engine companys within the Fire Department shall* *be maintained in accordance with the provisions of article III, section 18 of the Fire Department Rules and Regulations as then in effect, until final adjudication by the relevant courts*: *Provided further*, That none of the funds provided in this Act may be used to implement District of Columbia Board of Parole notice of emergency and proposed rulemaking as filed with the District of Columbia Register July 25, 1986: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services which are performed in emergencies by the National Guard in a militia status and which are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and their availability shall be deemed as constituting payment in advance for the emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, (7) ~~$623,424,000~~ *$623,981,000*, to be allocated as follows: (8) ~~$452,403,000~~ *$452,460,000* for the public schools of the District of Colum-

vices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 118. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided,* That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 119. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 120. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 121. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of fire fighters or police officers.

SEC. 122. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory

I

Union Calendar No. 492

98TH CONGRESS
2D SESSION

H. R. 5899

[Report No. 98–851]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 1984

Mr. DIXON, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District senger-carrying vehicles, annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $320,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the staffing levels of the various units within the Fire Department shall be maintained in accordance with the provisions of Article III, Section 18 of the Fire Department Rules and Regulations as then in effect: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, Public Law 93-412, approved September 3, 1974 (88 Stat. 1090; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1985, shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1975: *Provided further,* That $50,000 of any appropriation available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive

II

Calendar No. 758

100TH CONGRESS
2D SESSION

S. 2562

[Report No. 100–398]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 1988

Mr. HARKIN (from the Committee on Appropriations) reported the following bill; which was read twice and placed on the calendar

---

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1989, and for other purposes, namely:

civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further,* That the District of Columbia shall also take steps to publicize the availability of that service among the residents of the area surrounding the Lorton prison: *Provided further,* That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County and Prince William County, Virginia for expenses incurred by the counties during fiscal year 1989 in relation to the Lorton prison complex. Such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: *Provided further,* That none of the funds appropriated by this Act may be used to implement any plan that includes the closing of Engine Company 3, located at 439 New Jersey Avenue, Northwest: *Provided further,* That the staffing levels of two piece engine companys within the Fire Department shall be maintained in accordance with the provisions of article III, section 18 of the Fire Department Rules and Regulations as then in effect, until final adjudication by the relevant courts: *Provided further,* That none of the funds provided in this Act may be used to implement District of Columbia Board of Parole notice of emergency and proposed rulemaking as filed with the District of Columbia Register July 25, 1986: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services which are performed in emergencies by the National Guard in a militia status and which are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and their availability shall be deemed as constituting payment in advance for the emergency services involved.

ADDITIONAL PREPARED STATEMENTS

Mr. DIXON. The committee has received the following statements from concerned citizens which will be placed in the record at this point.

[The statements follow:]

PREPARED STATEMENT OF LEE S. MANOR

Faculty Senate
University of the District of Columbia
Safe Streets Project

Building 48 Room 3014-B, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008, (202)-282-3165

TESTIMONY OF MR. LEE S. MANOR,
CITYWIDE COORDINATOR, "SAFE STREETS"
BEFORE THE APPROPRIATIONS SUB COMMITTEE,
THE DISTRICT COMMITTEE,
U.S. HOUSE OF REPRESENTATIVE
July 19, 1989

THE HONORABLE CONGRESSMAN DIXON, CHAIR OF THE HOUSE SUB-COMMITTEE AND THE HONORABLE SENATOR BROCK ADAMS, CHAIR OF THE SENATE COMMITTEE, AND ALL COMMITTEE MEMBERS, GREETINGS, IT IS WITH GREAT PLEASURE AND GRATITUDE THAT I COME BEFORE THESE HONORABLE COMMITTEES TODAY. WE THANK YOU VERY MUCH FOR THIS OPPORTUNITY TO SHARE OUR CONCERNS FOR OUR CITY WITH YOU.

ENCLOSED IN YOUR PACKET YOU WILL FIND THE FOLLOWING TO GIVE YOU A BETTER UNDERSTANDING OF THE U.D.C. FACULTY SENATE "SAFE STREETS " PROJECT.

1. COPY OF THE HISTORY OF "SAFE STREETS"
2. ANATOMY OF STREET MURDERS PLANNING CONFERENCE PROCEEDINGS.
3. PRESS RELEASE OF THE "SAFE STREETS" PROJECT
4. COMPREHENSIVE ACTION STRATEGY REHABILITATION PLAN DEVELOP BY "SAFE STREETS" OF WASHINGTON, D.C.
5. AMENDMENTS # 1 AND 2 OF THE "SAFE STREETS" PROJECT TO THE CITY COUNCILS BILL 8-77
6. ORGANIZATION CHART OF "SAFE STREETS"

I REQUEST YOU TO BROWSE THROUGH THE LITERATURE AT YOUR FREE TIME. THANK YOU.

THE "SAFE STREETS" PROJECT IS ORGANIZED ACROSS THE CITY IN EACH WARD WITH GRASS ROOTS REPRESENTATIVES, A CONGRESSIONAL COORDINATOR FROM BOTH CONGRESSIONAL, DISTRICT ONE AND CONGRESSIONAL DISTRICT TWO FOR "SAFE STREETS". THESE MEMBERS COME FROM THE GRASS ROOTS IN THE COMMUNITY. SOME FROM ORGANIZATIONS, BLOCK CLUBS AND JUST PLAIN CITIZENS IN THE COMMUNITIES.

MEETINGS ARE HELD EACH THURSDAY FOR THE STEERING COMMITTEE AND MONTHLY FOR THE PUBLIC AT UDC VAN NESS CAMPUS.

WE ARE VERY MUCH CONCERNED WITH THE LEVEL OF AND NUMBER OF POLICE OFFICERS IN THE DISTRICT OF COLUMBIA. WE ARE REQUESTING THAT THE COMMITTEE ADD FUNDING FOR AN ADDITIONAL NUMBER OF POLICE OR LAW ENFORCEMENT PERSONNEL TO BRING THE D.C. DEPARTMENT UP TO 5000 OFFICERS AND SUPPORT PERSONNEL.

WE ARE REQUESTING FUNDING FOR OUR COMPREHENSIVE ACTION STRATEGY WHICH WOULD INCLUDE TOTAL REHABILITATION ON AN IN PATIENT BASIC. WE BELIEVE IF THERE WERE SUFFICIENT BED SPACE FOR THE ADDICTED PERSONS WHEN THEY DESIRE TO BE TREATED, WE WOULD BE ABLE TO REDUCE THE DEMAND FOR ILLEGAL DRUGS DRASTICALLY.

OUR COMPREHENSIVE ACTION STRATEGY CALLS FOR A REVISION IN HOW WE EDUCATE OUR Youth, CHANGES IN HOW WE REHABILITATE OUR ADDICTS AND BASICALLY EMPHASIZES STRATEGIES TO REDUCE DEMANDS FOR DRUGS. THIS REDUCTION AND DEMAND WILL WE FEEL ASSIST IN MAKING OUR STREETS ONCE AGAIN SAFE.

AS THE NATION'S CAPITOL; THE CAPITOL CITY OF THE FREE WORLD WE SHOULD EXPECT NOTHING LESS. HISTORICALLY PEOPLES OF THE WORLD HAVE TURNED TO THIS NATION AND THIS CITY FOR LEADERSHIP. NOW IT IS CLEAR THAT WE MUST PROVIDE LEADERSHIP IN THE WAR ON DRUGS.

YOUR HONOR THESE ARE STATEMENTS DIRECTLY FROM MY STUDENTS OF THE SUMMER YOUTH PROGRAM AT THE UNIVERSITY OF DISTRICT OF COLUMBIA OF WASHINGTON, D.C.:

"LET'S HAVE MORE POLICE ON THE STREETS."

"LET'S INVADE DRUG PRODUCING COUNTRIES."

"LET'S GET POLICE OFF THE STREETS THAT ARE USING DRUGS."

"LET'S GET THE BIG DEALERS. (FBI)"

"LET'S PROVIDE BETTER JOBS AND ACTIVITIES FOR OUR YOUTH."

"LET'S CREATE MORE INSTITUTIONS FOR YOUTH OFFENDERS."

ENCLOSING I WOULD LIKE TO THANK THE HONORABLE CONGRESSMAN DIXON AND HIS COMMITTEE MEMBERS FOR GIVING US THE OPPORTUNITY TO BRING THE PLIGHT OF THE DISTRICT OF COLUMBIA TO YOUR ATTENTION. ALSO WE WOULD LIKE TO ACKNOWLEDGE THE PRESENCE OF THE HONORABLE SENATOR BROCK ADAMS AND HIS COMMITTEE FOR THERE PRESENCE AND PATIENCE.

THANK YOU VERY MUCH.

PREPARED STATEMENT OF DR. EMANUEL CHATMAN

Faculty Senate
University of the District of Columbia
Safe Streets Project

Building 48 Room 3014-B, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008, (202)-282-3165

TESTIMONY OF DR. EMANUEL "DAVE" CHATMAN,
CHAIR, "SAFE STREETS". BEFORE THE APPROPRIATIONS SUB COMMITTEE,
THE DISTRICT COMMITTEE, U.S. HOUSE OF REPRESENTATIVE
July 19, 1989

MR. ADAMS, MR. DIXON AND OTHER MEMBERS OF THE COMMITTEES.

PLEASE ALLOW ME TO THANK YOU FOR PERMITTING THIS TESTIMONY ON THE 1990 BUDGET OF THE DISTRICT OF COLUMBIA. I AM CHAIRPERSON OF THE "SAFE STREETS" PROJECT WHICH IS A GRASS ROOTS PROJECT DEVOTED TO ELIMINATING THE PROBLEMS ASSOCIATED WITH DRUGS - VIOLENCE, DEATH AND OTHER NEGATIVE VARIABLES - FROM OUR CITY.

AS YOU UNDOUBTEDLY KNOW, OUR STREETS ARE FAR FROM BEING SAFE. OUR STREETS ARE NOT SAFE. FACTS WHICH BEAR THIS OUT ARE AS FOLLOWS:

- WE HAVE AN ESTIMATED 76,000 ADDICTS IN OUR CITY
- WE HAVE AN ESTIMATED 74,000 ALCOHOLICS IN OUR CITY
- WE HAVE AN ESTIMATED 18,000 HOMELESS PEOPLE IN OUR CITY
- DURING 1988 THERE WAS AN AVERAGE OF 1.03 MURDER PER DAY OR 372 FOR THE YEAR
- IN 1989, YEAR-TO-DATE MORE THAN 235 MURDERS ALREADY, AND
- IN 1988 AN ADDITIONAL 1571 SERIOUS WOUNDINGS NOT RESULTING IN DEATH. YES OUR CITY IS NOT SAFE AND THE GRASS ROOTS PEOPLE AS WELL AS ALL OTHERS WANT TO CHANGE THIS.

WE ARE HERE TODAY TO SUPPORT FULL FUNDING FOR:

1. OUR SCHOOLS
2. OUR RECREATION DEPARTMENT
3. OUR POLICE DEPARTMENT, AND
4. OTHER SOCIAL AGENCIES

WE ARE CURRENTLY WORKING WITH THE BOARD OF EDUCATION IN AN ATTEMPT TO CHANGE OUR CURRICULUM TO INCLUDE SIGNIFICANT DRUG PREVENTION EDUCATION. OUR STUDENTS NEED AND MUST HAVE RECREATIONAL OPPORTUNITIES. WE ARE WORKING CLOSELY WITH OUR POLICE DEPARTMENT IN MONITORING AND REPORTING DRUG RELATED INCIDENTS AND VIOLENCE.

THERE ARE BASICALLY TWO ASPECTS TO THE DRUG QUESTION WHICH MUST BE ADDRESSED: SUPPLY AND DEMAND. WE AS CITIZENS AND GRASS ROOTS INDIVIDUALS CAN DO LITTLE TO REDUCE THE SUPPLY OF DRUGS. THE QUESTION OF SUPPLY MAY BEST BE HANDLED BY OUR FEDERAL GOVERNMENT. WE CAN AND MUST IMPACT ON THE DEMAND FOR DRUGS. THIS CAN BE ACCOMPLISHED BY REHABILITATING THOSE CURRENTLY ADDICTED AND REDUCING THE POTENTIAL FOR NEW ADDICTS MAINLY THROUGH MORAL LEADERSHIP, EDUCATIONAL LEADERSHIP AND ASSISTING THE POLICE DEPARTMENT IN IDENTIFYING AND DEALING WITH THOSE WHO VIOLATE OUR LAWS. THAT IS WHY WE HAVE DEVELOPED HOTLINES DIRECTLY TO THE POLICE DEPARTMENT TO REPORT INCIDENTS OF CRIME. HUNDREDS OF CITIZENS CALL DAILY.

THE AGENCIES OF GOVERNMENT WITH WHICH WE ARE WORKING HAVE ALL SHOWN A WILL, AND IN FACT AN INTENSE DESIRE, TO RID THIS - THE NATION'S CAPITAL - OF DRUGS AND VIOLENCE. WE URGE YOUR FULL SUPPORT OF THEIR FUNDING REQUESTS.

Faculty Senate
University of the District of Columbia
Safe Streets Project

Building 48 Room 3014-B, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008, (202)-282-3165

Friday, June 9, 1989

SAFE STREETS PROPOSES 2 AMENDMENTS TO CITY BILL CALLING FOR 5,000 BED DRUG REHAB CENTER, CHANGES IN DRUG LAWS COUNCIL TO VOTE ON FULL BILL, 8-77, TUESDAY

Safe Streets, a community organization based in the Faculty Senate of UDC, has proposed that the District of Columbia open up a 5,000 bed drug abuse treatment and rehabilitation center. It has also asked the city council to encourage D.C.'s addicts to give up the habit by providing immunity for those not facing drug criminal charges who seek residency in the rehabilitation center.

The two amendments were presented in the Council of the District of Columbia this week and are to be voted on Tuesday morning. Preliminary reports suggest that considerable support exists among D.C. Councilmembers for the two proposals.

"I urge all members of the D.C. Council to vote for the amendments, "said Dr. Emanuel "Dave" Chatman, Chairman of the Board of Safe Streets and a professor at UDC.

The proposed amendments are to the District of Columbia Substance Abuse Treatment and Prevention Act of 1989. They stem from the Comprehensive Action Plan of Safe Streets, adopted by the organization earlier this spring.

"The plan -- and these amendments -- has been endorsed by civic associations, unions, churches, and many organizations city-wide. We must do something now to stem the terrible tide of drug abuse and drug-related street murders, "Dr. Chatman said.

Lee S. Manor, Citywide Coordinator of Safe Streets, has indicated that there are now only 447 beds available in the District for inpatient treatment. Current waiting time for treatment averages 8 weeks. And there are roughly 76,000 drug abusers in the city.

"This plan represents a way out -- at least, a light at the end of the tunnel. It is a first step we must take if the citizens are to prevail against the forces of violence, death, and evil itself, "Mr. Manor said.

- OVER -

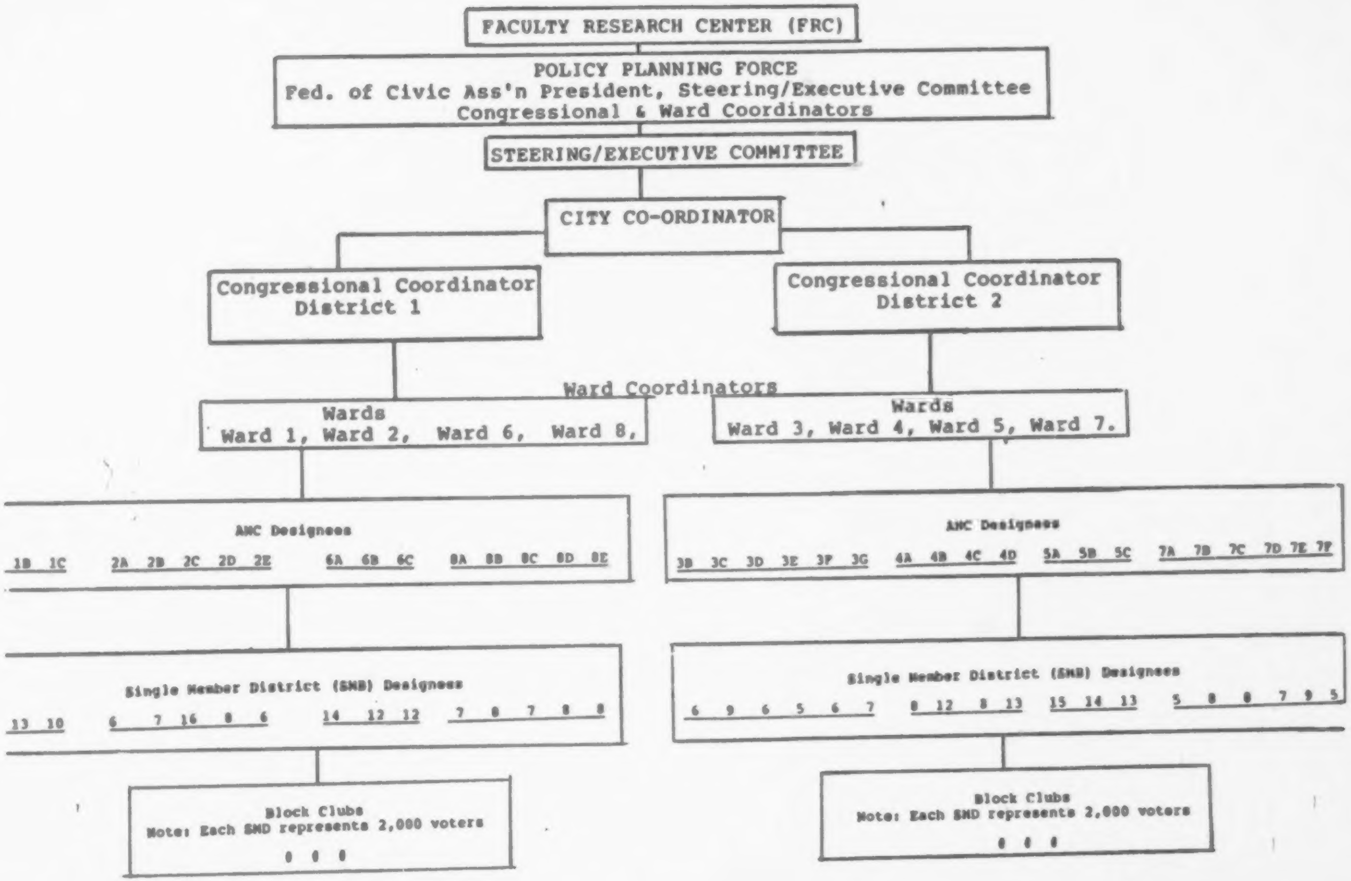
The two proposed amendments would institute major changes in the city's handling of drug abuse problems.

1. A 5,000 bed rehabilitation facility would be opened. It would serve, thus, roughly one out of 25 reported heroin or polydrug addicts living in the District. Nonetheless, this capacity would at least represent a true beginning of a treatment orientation.

2. Immunity from prosecution would be granted to those drug users not facing criminal charges who seek treatment at the new facility. The immunity would be probationary for the 5 years immediately following treatment and become permanent after 5 years. In addition, pre-trial comprehensive residential treatment would be provided, with trials delayed until treatment was completed. Also, post-conviction residential treatment would be available for violent (drug-related) offenders.

"These two proposals represent achievable, practical steps for the city as it strives to hit its goals of a drug-free D.C., "said Dr. Chatman.

ORGANIZATIONAL CHART


FACULTY RESEARCH CENTER (FRC)
POLICY PLANNING FORCE
Fed. of Civic Ass'n President, Steering/Executive Committee
Congressional & Ward Coordinators
STEERING/EXECUTIVE COMMITTEE
CITY CO-ORDINATOR
Congressional Coordinator
District 1
Congressional Coordinator
District 2
Ward Coordinators
Wards
Ward 1, Ward 2, Ward 6, Ward 8,
Wards
Ward 3, Ward 4, Ward 5, Ward 7.
ANC Designees
1B 1C 2A 2B 2C 2D 2E 6A 6B 6C 8A 8B 8C 8D 8E
ANC Designees
3B 3C 3D 3E 3F 3G 4A 4B 4C 4D 5A 5B 5C 7A 7B 7C 7D 7E 7F
Single Member District (SMB) Designees
13 10 6 7 16 8 6 14 12 12 7 8 7 8 8
Single Member District (SMB) Designees
6 9 6 5 6 7 8 12 8 13 15 14 13 5 8 8 7 9 5
Block Clubs
Note: Each SMD represents 2,000 voters
• • •
Block Clubs
Note: Each SMD represents 2,000 voters
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U.D.C. Faculty Senate — Safe Streets Project

24 March 1989

COMPREHENSIVE ACTION STRATEGY

This agenda sets out four stages of action that form a coherent program for ending the street-violence epidemic. It addresses the problem minimally but radically, seeking to do only what is essential to solving it.

RECOGNITION of the basic realities with which we must deal.

EDUCATION of the city's youth and young adults to immunize them against the temptation to try drugs, and to encourage existing addicts to enter treatment programs.

COMMUNITY ACTION to develop support for the needed political action, to support and develop community anti-demand programs, and to support existing police efforts to interdict supply.

POLITICAL ACTION to draft, and convince the D.C. Council to legislate, a program to develop the institutional facilities to make lifelong drug rehabilitation a reality, and to restructure the criminal code so as to bring about a rapid reduction in the level of drug addiction and associated crime.

RECOGNITION

We are confronted with steadily escalating street violence, which is completely out of control. The first step toward ending it is to recognize that the violence derives from an epidemic of drug addiction, and that the District's current anti-drug programs are a total failure, despite the hard work and good intentions of thousands of dedicated professionals and volunteers.

We must recognize that interdiction (supply-side control) can be no more than a short-term holding action against the pressure of demand. No city (and no country) has succeeded in ending a large-scale drug addiction problem by attempts to shut off or penalize supply, and there is good theoretical reason to believe that no such attempt can ever succeed.

Effective elimination of the street-drug problem must be based on radical reduction of demand. This requires addressing two very different needs: (1) lifelong rehabilitation of existing addicts, and (2) prevention of the creating of new addicts.

We must recognize that the most crucial single point in the life of every addict and his family is the first use of a drug. After that, the odds against rehabilitation are very large. Our greatest focus, both in educating to combat demand and in interdicting the supply, must therefore be on preventing each non-addict from reaching the point of first use.

EDUCATION

Short-term

Develop a graphic (possibly pictorial) single-sheet mailing on the theme "Whoever starts you on drugs is stealing your life", to be mailed by the D.C. Government to all licensed drivers under the age of 40.

Develop a high-impact radio and television campaign to educate children and youth on the effects of drugs on health (physical and mental), using attractive role models.

Long-term

Develop (by Safe Streets Project in collaboration with the office of the Superintendent of Schools) graphic curricula (using materials and experiences of successful local projects) to provide a program of instruction and discussion for all public schools. This should be a permanent program for grades 3 through 12, made mandatory by action of the Board of Education. It would be scheduled within the regular school day, daily in all schools meeting an established criterion for high risk (e.g., within one mile of known drug markets), and weekly in all other schools.

Develop programs for inclusion in elementary, junior high, and high school curricula that address values, self-esteem, academic preparation, and meaningful legitimate careers.

COMMUNITY ACTION

Short-term

Develop support (through local meetings, letter-writing to officials, letters to the editor, etc.) for recognition by the Council that drug addiction is a medical problem and that crime flows from the disease, for the needed legislative restructuring, and for public acceptance of the need for large expenditures to solve the addiction problem.

Identify and/or establish support groups for parents and other co-dependents of drug addicts.

Obtain (or compile if necessary) and distribute appropriate pamphlets on drug and alcohol abuse. Examples: list of signs to watch for, to alert parents to the possibility that their child may be using drugs or alcohol; identification of local area treatment resources and facilities.

Maintain support for police inderdiction efforts, including citizen patrols and coded citizen reporting systems to obtain immediate police action against drug dealing.

Long-term

Develop graphic (what-will-happen-to-you) curricula for Sunday schools and other religious education programs, and for Police Boys & Girls Clubs, Boy and Girl Scouts, 4-H Clubs, etc.

Establish teaching/training centers, to teach families, churches, professionals, educators, businesses, how to cope with having to interact with people who use drugs and alcohol. This addresses a need of *the entire city, which is in effect a co-dependent to its growing population of addicts*. The city is suffering from the characteristic symptoms of the co-dependent, such as denial, justification, blaming, enabling, scapegoating.

POLITICAL ACTION

The basis for necessary political action is acceptance by the D.C. Council that (1) significant reduction in the epidemic level of drug use depends upon a shift of emphasis by local government from reduction of supply to reduction of demand, (2) drug addiction is a medical problem, and must be recognized as such in the enforcement and judicial processes, and (3) immediate priority must be given to the creation of a realistic rehabilitation program, to rapidly reduce the addict population.

A unified four-point legislative program is as follows:

(A) Create a large, centralized, secure Drug Rehabilitation Center for long-term medical and psychiatric/psychological treatment of addicts, possibly using currently available buildings that can be renovated for the purpose. A professional staff should begin to be assembled immediately (including professionals trained to deal with "dual-diagnosis" cases, i.e., the many addicts who are also mentally ill); and while the first unit of the Center is being prepared, a temporary unit should be established at the D.C. Jail, where more than half the inmates are addicts who now receive no effective treatment and who return addicted to the streets. The establishing of the Drug Rehabilitation Center (with a minimum of 5000 beds) will cancel the need for new D.C. prison facilities (see below) and will steadily reduce the total inmate population by eliminating addiction-based recidivism.

(B) Increase the penalty for distribution of addictive drugs to non-addicts, to the same level as kidnapping. This will focus law-enforcement investigation on the pivotal aspect of addiction. Presently about 10 new addicts are being created in D.C. every day. Elimination of this process, even if nothing else were done, would reduce the addict population by about 10% per year.

(C) Amend the law governing controlled substances so that any drug addict who has no drug-related charges pending against him, may at any time voluntarily commit himself to the Rehabilitation Center's long-term treatment program, for which there will be no fee. Upon entering, he shall automatically obtain temporary immunity against the filing of charges of drug possession or distribution prior to, or at the time of, his entry. Certified completion of the program will make this immunity permanent. However, subsequent conviction for drug possession or distribution within 5 years of the date of certification will cancel the immunity.

This amendment will create the opportunity for addicts to escape from the legal web in which they become enmeshed as a result of their addiction, and will act to reinforce the fresh start fostered by the rehabilitation program. It will also create incentive for the ex-addict to avoid the environment of his previous addiction. (Of course, the immunity would have no bearing on any subsequent criminal offense.)

(D) All persons convicted of crimes of violence, who tested positive for drugs, would be mandatorily entered into the Rehabilitation Center program and not released until certified as comprehensively rehabilitated; sentencing would be deferred until that time (which may be many months later). There would be a voluntary alternative available: Upon arrest, a person may voluntarily commit himself to the Rehabilitation Center's program; his trial would then be deferred until completion of (or withdrawal from) the program. Upon certified completion of the program, he would be favorably considered for reduction of charges or a lesser sentence. It is expected that many arrested addicts would respond to the advantage of opting for this alternative, thus removing a major source of the burden on the D.C. Superior Court staff.

Faculty Senate
University of the District of Columbia
Safe Streets Project

Building 48 Room 3014-B, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008, (202)-282-3165

MEMORANDUM

April 12, 1989

TO: Safe Streets Secret Code Holders

FROM: Emanuel "Dave" Chatman, CPA
Chair, Safe Streets

THRU: Lee S. Manor, MS
City Wide Coordinator

RE: Reporting Drug Related Incidents and Personnel to the Police Department.

The "Safe Streets" project will provide secret codes to persons interested in reporting drug activities as well as violence related to drugs to the Police Department. The Police Department has agreed to follow-up on such calls. Make sure that you can answer these questions when reporting incidents.

.1 Where did this activity take place? (the address)

.2 Who were the people involved in the activity? (names and/or description)

.3 What violence was observed?

.4 The tag number, color and make of car(s) involved?

.5 Other identifying information.

When you call to report the incident(s) do not give your name nor your address. Only answer the above questions and give Your secret "Safe Streets" Code. To obtain your secret code please call the City Wide Coordinator at 829-5031.

Please report incidents now so as to rid our community of DRUGS, VIOLENCE AND MURDERS.

The telephone numbers to call and report incidents are the following:

* 727-4425 * 727-4166

THE 727-4166 NUMBER OPERATES 24 HOURS A DAY.

- OVER -

"SAFE STREETS" – AN IDEA WHOSE TIME HAS COME!

HISTORY OF SAFE STREETS

In early 1988 it became clear that the District of Columbia would likely experience extremely high numbers of drug related deaths and violence by year's end. **Dr. Emanuel "Dave" Chatman,** President of Faculty Senate of UDC and, Prefessor of Accounting Technology, organized a planning conference which was held in early April, 1988 to deal with strategies for reducing drug related violence in the District of Columbia.

At that **conference** the keynote speaker was the Chief of Police of Washington, D. C. Additionally some 8 panels were held and each addressed various issues relative to drugs and violence in the District of Columbia. Shortly after this conference concluded, the Proceedings were put into a publication called: Anatomy of Street Murders.

A second planning conference was scheduled and held in late September, 1988. Both conferences were held at the Mount Vernon Campus of UDC and sponsored by the Faculty Senate at UDC. At the second conference high level police representatives from Washington, D. C., Philadelphia, Miami, Portland and New York City participated in a discussion workshop. Additionally 8 panels were held the following day. These panels were conducted by UDC Professors as well as community leaders and criminal justice experts.

At the conclusion of this conference **numerous community leaders** as well as civic activists urged the conference planners to coordinate city-wide efforts and provide **technical and other assistance** to local community organizations which were involved in the fight against drugs. In response to the request of the community several meetings were held with the community at which time The **Safe Streets Project** was created.

Mr. Lee S. Manor was appointed City-Wide Coordinator; he then appointed coordinators for Congressional Districts, Wards, and ANC areas. **Dr. Anne O. Hughes** and **Dr. Joseph S. Drew** were elected Directors. **Dr. Emanuel "Dave" Chatman** was elected as Chairperson of "Safe Streets".

"Safe Streets" provides support to other organizations fighting drugs in the District of Columbia. It works closely with political groups, the police department and local citizens.

"Safe Streets" has generated a "Comprehensive Action Strategy" which sets out a specific plan for bringing under control the problem of drug-based street violence. It calls for among other things: (1) the creation a 5000-bed long term residential rehabilitation center, (2) comprehensive mandatory education for most of our youth, (3) availability of rehabilitation opportunities, with cost, for those seeking it, (4) forgiveness under certain condition, for limited non-violent drug related offenses.

Over the past several months, "Safe Streets" has **adopted** the following : (1) the **Green Ribbon** as a symbol for life, (2) **Lift Every Voice and Sing** as our Song, (3) **Mr. Joseph Webb** as our **Poet-in-resident** (4) **Councilmember Harry Thomas**, Ward 5, as our council person due to his leadership against drugs.

More than **30 churches** participated in a Prayer Vigil in support of our Anti-drug efforts.

"Safe Streets" Chairman, **Dr. Emanuel "Dave" Chatman** said "Safe Streets is an idea whose time has come. It is an effort by the citizens. It will and must work."

"Safe Streets" has been **endorsed** by the City Council, the Board of Education, the Federation of Civic Associations, numerous ANC's and Civic Associations, Churches and other community-based organizations.

OVER

Faculty Senate
University of the District of Columbia
Safe Streets Project

Building 48 Room 3014-B, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008, (202)-282-3165

June 9, 1989

MEMORANDUM

TO: MEMBERS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

FROM: DR. EMANUEL "DAVE" CHATMAN, PRESIDENT
FACULTY SENATE OF THE UNIVERSITY OF THE DISTRICT OF COLUMBIA
CHAIRMAN, SAFE STREETS PROJECT

RE: SAFE STREETS AMENDMENTS
TO BILL 8-77
"District of Columbia Substance Abuse Treatment and Prevention Act of 1989"

I encourage you to vote for both of the Safe Streets Amendments to Bill 8-77. The Safe Streets Amendments were developed by Safe Streets' legislative counsel to assist the District of Columbia Council to enact the legislative elements of the Safe Streets Comprehensive Action Plan. This plan was shared with you and your staff earlier this spring.

The Safe Streets Comprehensive Action Plan is the result of extensive study and the Anatomy of Street Murders Conference conducted by the Faculty Senate of the University of the District of Columbia, September 30 - October 1, 1988.

Since it was developed, the Safe Streets Comprehensive Action Plan has been widely endorsed throughout the city, most recently by the Far Northeast - Southeast Community Organization on June 7.

Bill 8-77, as reported by the Committee on Human Services, takes important strides toward addressing the serious lack of adequate drug abuse treatment capacity in the District of Columbia. Safe Streets commends the Council and the Committee on Human Services, in particular, for its rapid, yet careful, consideration of this bill but 8-77, as reported, does not go far enough.

THE NEED

Current drug abuse inpatient treatment capacity in the District of Columbia is grossly inadequate. The May 4, 1989 report of the Committee on Human Services on this bill identifies the total inpatient treatment capacity in the District now as only 447 beds (ADASA's 72 beds at Karrick Hall, and the 375 beds of RAP, Inc. and Second Genesis) (Report of Committee on Human

Services on Bill 8-77 (hereafter cited, "Report"), pp. 3-4, May 4, 1989). A recent story in The Washington Post, "Addicts Flood D.C. Facilities" (May 20, 1989, p. B1) states that at the detoxification program run by D.C. General Hospital, "more than 1200 addicts have placed their names on a waiting list there since last fall, and that at any one point more than 200 people are trying to gain admission for treatment." (p. B7). The report states that "current waiting time" for ADASA's treatment programs averages 8 weeks. (Report, p.3). Delays in initiating treatment are devastating to addicts, and reportedly frequently results in postponing the eventual entry into treatment by months or even years.

The Safe Streets Comprehensive Action Plan calls for the establishment of a comprehensive drug abuse treatment and rehabilitation center with a capacity of 5000 beds. Bill 8-77 calls for the "treatment facility" to have "an initial space and staff capacity to admit at least 250 individuals" and provides that the facility "shall be expanded based upon the need and availability of funds." Safe Streets believes that an initial facility size to accommodate 250 individuals is plainly inadequate. Indeed, the Committee's findings of facts included statements that at least 76,000 persons in the District are heroin addicts and polydrug abusers (primarily cocaine and PCP), and another 73,440 are alcoholics. (Report, p.4).

The Criminal Justice Incentives for Treatment of the Comprehensive Action Plan are based on the fact that every month for the past four years between 50% and 70% of persons arrested and charged with the commission of crimes in the District of Columbia test positive for recent use of narcotics, cocaine, PCP or amphetamines. The role of drug abuse in the commission of crime has long been documented. (Report, p.2).

It is critical that criminal offenders have the opportunity to be fully treated for their substance abuse problems in order to break the chemical causes of their criminality. Residential drug abuse treatment is substantially cheaper than incarceration in any of the District's prisons, jails, or detention centers. Thus encouraging criminal offenders to enter drug abuse treatment will save the District of Columbia substantial expense. The entire District of Columbia correctional system is under court-imposed population ceilings. Treating drug abusers will provide much needed relief to the correction system, at much less cost than other alternatives. It will enable the corrections system to incarcerate violent offenders in lieu of releasing them prior to the expiration of their sentences.

Recognizing the urgency and importance of this legislation, Safe Streets recommends the two Safe Streets amendments (attached) be adopted and supports the rapid enactment of Bill 8-77 as amended.

SUMMARY OF SAFE STREETS AMENDMENT NUMBER ONE: "COMPREHENSIVE DRUG REHABILITATION CENTER"

(1) Clarifies the nature, scope, and elements of the treatment facility (the center) for all the special populations needing drug treatment.

(2) Advances the time for establishment of center from one year to 6 months, providing for 400 beds initially.

(3) Expands the size of center from 250 beds to 5000 beds in 400 bed increments over a 12 month period.

(4) Expands criteria permitting multiple site operation to include cost savings and more efficient management.

(5) Permits the center to contract with public or non-profit agencies for treatment services.

(6) Renames the treatment facility the comprehensive drug rehabilitation center.

(7) Protects the ability of low-income or no-income residents to obtain drug treatment.

(8) Enhances the effectiveness of the substance abuse prevention campaign by including only the telephone number of a 24-hour drug abuse hotline on campaign materials instead of all names and address of all programs.

(9) Provides priority drug treatment for persons who are seropositive for HIV because they present a special public health risk while they remain active drug addicts.

SUMMARY OF SAFE STREETS AMENDMENT NUMBER TWO:

"CRIMINAL JUSTICE INCENTIVES FOR COMPREHENSIVE RESIDENTIAL DRUG TREATMENT"

(1) Provides immunity from prosecution for certain drug offenses to persons not facing criminal charges who seek comprehensive residential drug treatment: temporarily while they are in treatment, probationary immunity for 5 years after treatment, permanent immunity after 5 years after treatment.

(2) Provides pre-trial comprehensive residential drug treatment and continues trials until treatment is completed.

(3) Provides mandatory post-conviction comprehensive residential drug treatment as part of all sentences of drug-positive violent offenders before other sentences are served.

(4) Provides a mechanism to remove from the drug treatment program recalcitrant persons not participating in good faith in the treatment program.

Faculty Senate
University of the District of Columbia
Safe Streets Project

Building 48 Room 3014-B, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008, (202)-282-3165

MEMORANDUM

June 12, 1989

TO: Members, Council of the District of Columbia

FROM: Emanuel "Dave" Chatman,
President Faculty Senate
Chair, "Safe Streets"

RE: Costs of "Safe Streets" Proposed Amendments to 8-77

In response to the most commonly raised issue regarding "Safe Streets" amendments to council bill 8-77 which calls for 5,000 new beds for rehabilitation, the below computations and interpretation are provided:

(1) Computations

The cost to rehabilitate 5,000 addicts will be far less, than the cost of incarceration of them if they are not rehabilitated. The cost figures presented below are based on the following assumptions:

a. The average cost to incarcerate an inmate per day in D.C. in 1987 was 50.00, this represents (365.25 x 50) or 18,262.50 per year.

b. The average cost to rehabilitate a person for one year at RAP, Inc. in 1987 was 10,000.

c. The average cost to rehabilitate a person for one year at 2nd Genesis in 1987 was 6,500.

d. The average increase in these costs, the cost of a, b, and c, above was roughly 5% per year or 10% over 2 years.

e. The average time required for complete comprehensive rehabilitation, is one year.

"SAFE STREETS" -- AN IDEA WHOSE TIME HAS COME!

f. The average stay in our correction department, by inmates, in 1987 was 34 months. This pattern continues.

Cost to rehabilitate or incarcerate 5,000 persons in 1987 and 1989

	1987	Multiplier	1989
Incarceration - Corrections (5,000 x 18,262.50)	91,312,500	1.1	100,443,750
Rehabilitate - RAP (5,000 x 10,000)	50,000,000	1.1	55,000,000
Rehabilitate - 2nd Genesis (5,000 x 6,500)	32,500,000	1.1	35,750,000

(2) Interpretation of Data

If we do nothing, the annual cost to house 5,000 inmates would be $100,443,750, while the cost to rehabilitate 5,000 persons at the experience rate of RAP Inc. would be 55,000,000. This represents a (100,433,750 - 55,000,000) or 45,433,750 savings if rehabilitation takes place.

An additional savings would be experienced if the rehabilitation cost averages at a level consistent with the 2nd Genesis rate of roughly 35,750,000. In that case, the annual savings would be (100,443,750 - 35,750,000) or 64,693,750.

In truth, those incarcerated stay in prison on the average some 34 months. At an average cost of 18,262.50 per year to incarcerate, the average cost for each person's incarceration for 34 months is 51,743.75.

If complete rehabilitation takes place in roughly one year then the total savings by the city from each rehabilitated person is 51,743.75 - 11,000 or 40,743.75 in the case of RAP Inc., and 51,743.75 - 7,150 or 44,593.75 in the case of 2nd Genesis. This is based on the assumption that if the person is not rehabilitate he/she is likely to be incarcerated for 34 months at the incarceration rate of 18,262.50 per year.

(3) Conclusion

Public policy in the District of Columbia should be to engage in rehabilitation rather than incarceration. By so doing the pool of addicts are likely to shrink, the demand for illegal drugs will shrink, and the quality of life for residents of the District of Columbia will be enhanced. In addition, the city will experience a reduction in future budgetary demands.

The Washington Times

METROPOLITAN

MONDAY, JANUARY 30, 1989

D.C. group predicts 610 killings

By Enrique J. Gonzales
THE WASHINGTON TIMES

A group of District professors studying the drug-homicide crisis predicts the city's death toll may soar to about 610 this year, surpassing last year's record 372 deaths.

Two of the professors said yesterday that drug dealers will continue to fight over the limited amount of turf as the number of drug users continues to climb.

As of yesterday, 49 persons had been killed, a rate exceeding 1.6 homicides per day, said Anne O. Hughes, director of the Faculty Pure Research Center at the University of District of Columbia. There are no statistics on how many of this year's slayings are drug-related.

Ms. Hughes and Dave Chatman, president of the faculty senate, said the death rate will increase as the weather warms and more people are on the streets. Homicides will continue at a high pace through the rest of the year because of the increase in crime during the Thanksgiving-Christmas season, they said.

"From all signs it's a very conservative number," Mr. Chatman said. "We're saying this is a conservative estimate. If no intervention takes place, we will have 610 by the end of the year."

Last April, the group predicted a 1988 death toll of 360 to 385 people. Some criticized the prediction for being too high.

". . . Nobody could even believe that was within the realm of possibility," Ms. Hughes said. "As you know, it came true."

The city's problem is aggravated by its proximity to other metropolitan areas such as Philadelphia and New York City, the professors said.

Mr. Chatman said the drug-homicide problem cannot be solved solely by law enforcement. He said the community must try to reach its wayward citizens through a massive education project. Families must try to stop members who use and sell drugs.

"We can't do it by locking people up because the prisons are already overcrowded," Mr. Chatman said.

Ms. Hughes said plans are already under way for an April rally about the drug problem, but details have not been worked out.

"Unless there is a substantial change in what is happening, in regards to stopping the situation, we can expect this to happen," Ms. Hughes said of the group's homicide prediction.

PREPARED STATEMENT OF JOANNE C. BELL

**Communications Workers
of America, Local 2336**
AFL-CIO

Joanne C. Bell
President

666 11th St., N.W., Suite 1000
Washington, D.C. 20001
Phone (202) 737-3566

PUBLIC DAY STATEMENT

JOANNE C. BELL, PRESIDENT

JULY 19, 1989

The Communications Workers of America is known as the "Community-Minded Union" because we represent workers in all walks of life and are active in our communities. In particular, Local 2336 of the Communications Workers of America represents 9 different contracts and approximately 500 DC cab drivers. The DC taxicab industry is the matter of concern that I would like to address with you today.

The taxicab drivers of Washington, DC were instrumental in the development and establishment of the DC Taxicab Commission in 1987, It was their sincere hope that the Taxicab Commission would make substantial improvements in their industry to the benefit of the public and the drivers. To date, unfortunately, this has not been the case.

In the DC Appropriation Bill for 1988 and 1989, you have given the Taxicab Commission $3,534,000. You have outlined in both bills that "the Committee expects that the new Commission will address issues including frequency of taxicab inspection, age of vehicles used as cabs, condition of air-conditioning and heating systems, and the cleanliness of vehicles. With regard to the last item, the Commission should consider a plan that would require taxicabs to be washed and vacuumed every few days. A system of fees or a portion of the fare rate could be used to offset these expenses. The Commission should consider a uniform color code.... It may also be useful to provide for each taxicab to be radio equipped.... It is important that drivers in the District present an acceptable appearance...."

The DC Taxicab Commission appears to be struggling with the proverbial question of which "came first, the chicken or the egg?" That is to say that the Taxicab Commission has attempted to deal with age of vehicles, frequency of inspection, increased fines, and equipping cabs with radios. However, I submit to you that this is putting the cart before the horse since each of the necessary improvements put an undue hardship on the driver who has not had a responsible fare increase since 1985. Some Taxicab Commissioners, taxicab company owners, and drivers feel that a 20-30% fare increase is necessary prior to making any changes that would increase the drivers out-of-pocket expenses.

In early 1988, the Taxicab Commission, through emergency rule making, did pass a "peanut proposal" by Commissioner Johnson, of 40¢ per trip increase. The attached rough copy of my 1987 proposal to the Taxicab Commission will explain why the 40¢ was totally insufficient. Now, the Taxicab Commission is discussing a 5.2% cost of living increase, proposed by Commissioner Johnson in lieu of the 10.9% draft offered by the Staff of the Taxicab Commission. Commissioners Johnson, Becker and Jessamy have continually refused to include the cost of operating a cab in their deliberations over a taxicab fare increase. Attached for your convenience is a copy of my June 5, 1989 correspondence to the Taxicab Commission concerning the 5.2% proposed increase.

In your 1988 and 1989 DC Appropriations Bill, it states "The Committee recognizes that taxicab fares will undoubtedly rise as a result of efforts to improve service, however the Committee believes that, as long as increased fares are coupled with better service to all parts of the District, the increases will be accepted." The drivers of Washington, DC agree with you. They want what you want and that is a professional and well-run taxicab industry. Drivers recognize the nice cars, appearance and an experienced knowledge of the city will not only provide DC with an invaluable service but also be financially beneficial to them personally.

The problem as I see it is that DC Taxicab Commissioners Johnson, Becker and Jessamy have no respect or understanding of the investment, cost of operation or needs of the taxi driver who is responsible for the total success or failure of the DC taxicab industry. For your convenience, I am enclosing a copy of the summary of public testimony on the Commission's proposed 5.2% increase. You will see that everyone favored a 10.9% increase as a responsible compromise to our 1987 proposals of 20% or more. When these 3 Commissioners, Johnson, Becker and Jessamy, who are the controlling votes on the Panel on Rates and Rules continually ignore public opinion, I reflect on Commissioner Becker's statement that "public hearings mean nothing." It is totally unacceptable that these Commissioners are content to impede the progress that you have requested and that the public demands.

I believe that Chairman Dixon and other Taxicab Commissioners want to improve the DC taxicab industry. I do feel however that some changes need to be made in the appointments to the Commission and would appreciate any help you can give in pushing the Commission to resolve responsibly the money issue so that drivers can affort to make the desired improvements.

Thank you.

Communications Workers of America, Local 2336

An AFL-CIO Affiliate
Joanne C. Bell, President

666 11th Street, N.W., Washington, D.C. 20001
Suite 1000
Phone (202) 737-3566

June 5, 1989

Memo to : All D.C. Taxicab Commissioners

From : Joanne C. Bell, President, CWA Local 2336

Subject : Proposed Rulemaking- 5.2% Increase for Taxi Operators

As always, we are pleased that the Taxicab Commission recognizes the need for improvements in the existing rate system. However, as stated in your Notice of Proposed Rulemaking-Draft:

> The Panel's proposed action is due to the fact that the overall cost of living has increased by 5.3% since October 1987. In addition, the costs associated with operating a taxicab such as vehicle purchase, gasoline, oil, maintenance, and repair have also increased by 1.8% during the same period. Moreover, taxicab insurance premiums increased by 39.5%. In view of the foregoing, the Panel's proposed rate change provides for a 10.9% across the board increase.

Had you given the drivers a 10.9% across the board increase, that would have been a giant step in providing the drivers a necessary and well-deserved increase.

However, for reasons that I do not understand, we are here discussing a 5.2% across the board increase. The across the board part is great, but the 5.2 is less than the 5.3% increase in the cost of living since October, 1987 as cited by your Staff.

No compensation is being granted for the other listed increases that have a great bearing on the operation of a taxicab business, ie. vehicle purchase, gasoline, oil, maintenance and repairs which increased 1.8% and the 39.5% increase in the required insurance.

My understanding of the Commission's responsibility is that you are to improve the D.C. Taxicab industry for everyone. But to date,it appears that the only improvements is the more than $100 an hour rate you receive for all of these meetings.

I am appalled by the statement of mr. Becker that Public hearings mean nothing. I am further astounded by Lucille Johnson's statement that taxi driving is an "entry level job." Negative statements of this type clearly show that the "trio" of Commissioners on the Panel of Rates and Rules who continually block attempted improvements by Chairman Dixon, the Staff and the Office of Taxicabs, have their own agendas. Agendas that circumvent the improvement of the taxicab industry in Washington, D.C.

The Staff of the Office of Taxicabs is here to work with the Commissioners and yet, on at least two separate occasions, they have worked on proposals that would benefit the entire industry, only to have the " TRIO" negate their efforts.

For two years now, we have been talking rates. A rate study was to have begun last June. Cab Company owners have asked," what type of information do you need, so we can assist in providing it". My Union has submitted various proposals and data. And yet, nothing has appeared to be good enough.

I implore Commissioners Johnson, Jessamy and Becker to get serious about improving this industry. We can not nickel and dime our way through the future. Let's give the drivers a meaningful increase, so we can begin to deal with issues of safety, meters, inspections, etc., the other necessities of this industry.

If you have any questions or if I can be of any further assistance, please contact me on 202-737-3566.

DISTRICT OF COLUMBIA TAXICAB COMMISSION
PANEL ON RATES AND RULES

SUMMARY OF COMMENTS AT JUNE 6 AND 21, 1989 PUBLIC HEARINGS AND WRITTEN COMMENTS RECEIVED REGARDING NOTICE OF PROPOSED RULEMAKING TO INCREASE TAXICAB RATES

June 6, 1989 Public Hearing Comments

1. Joanne C. Bell, President, CWA Local 2336

Ms. Bell commented in support of a 10.9% across-the-board increase that would have included the cost associated with operating a taxicab, developed by staff, such as vehicle purchase, gasoline, oil, maintenance and repair. She also commented that the 10.9% would also address the 39.5% increase in insurance premiums.

2. H.D. Pope, Taxicab Operator

Mr. Pope stated that the appropriate rate increase should be in the area of 30% rather than the 5.2% proposed by the Panel. He stated that in view of the fact that a reasonable rate increase had not been granted in over six (6) years, and the cost of living had increased approximately five (5) percent each year, a 30% increase across-the-board was what the drivers needed just to catch up.

3. Irving Schlaiffer, President, Washington DC Taxicab Assoc.

Mr. Schlaiffer commented that he agreed with Mr. Pope that the rate increase should be somewhere between 25% and 30%, but the minimum rate increase he recommended was 25%. Mr. Schlaiffer stated that the cost of repairs and replacement of a taxicab has gone up 25% or more since the last across-the-board rate increase was authorized by the Public Service Commission in March, 1985.

June 21, 1989 Public Hearing Comments

4. Daniel Smith, Representing Anacostia Cab, Allied Cab, Barwood Cab, Bell Cab, City Cab, Dial Taxicab, Eastern Cab, Imperial Cab, Metropolitan Cab, Tan Top Cab, Columbia Cab, and the Joint Industry Group

Mr. Smith spoke in favor of the 10.9% across-the-board increase recommended by the staff. He stated that although this will not rectify the lack of recognition by the Commission in the past of increased operational costs, it will bring the fare structure to a level it should have been thirty (30) months ago. Mr. Smith urged the Commission to take into consideration the rise in the cost of operation over the last four years.

June 21, 1989 Public Hearing Comments (Cont'd)

5. H.D. Pope, Taxicab Operator

Mr. Pope commented that the Panel should take the 5.2% and multiply it times the five (5) years that the drivers have not had an increase and come up with essentially a 30% increase. The 10.9% increase would be a good start because the 5.2% does not take the rates up enough for drivers to make any money. The 5.2% only makes the drivers poorer while the 10.9% would barely provide enough for the drivers to live for another year.

Mr. Pope stated that gasoline has gone up fifteen cents (.15) in the last six (6) weeks and that cost him nine dollars ($9) per week. He pays sixty-six dollars ($66) every two weeks for insurance and in twenty (20) years he has never had an accident and has to pay that amount because some other driver has an accident. His insurance is $15 per week more, plus the $9 for gasoline makes a total of $24 per week out of his pocket before he can make a dime. Mr. Pope stated that it is a disgrace for the Nation's Capitol to require a person to work full time for poverty wages. He supports the 10.9% increase and is against the 5.2%. It is his position that anything less than a 25% increase is a cut in wages.

6. Albert Guery, Taxicab Operator

Mr. Guery supports the 10.9% increase but in his view it is not enough. The drivers need more than the 10.9% but they can live with it; the 5.2% is an insult. The drivers need enough money to pay their rent, educate their children, and provide food for their families.

7. Irving Schlaiffer, President, Washington DC Taxicab Assoc.

Mr. Schlaiffer stated that drivers are behind in getting a fare increase. In his view a 25% increase would be obsolete because the drivers are always trying to catch up. He recommends that each zone should be increased by at least one dollar ($1).

8. John T. Bugg, Taxicab Operator

Mr. Bugg commented that the fare increase should be enough for the driver to pay his bills, support his family obligations and purchase health insurance. He stated that drivers discriminate because of economics and not because of race. Drivers have to know how to "juggle" to make ends meet.

9. Paul Davis, Taxicab Operator

Mr. Davis stated that since the 5.2% is viewed as an up or down situation, then he opposes the 5.2%. He stated that if the

Panel wants to vote 10.9% or 25% then it can do so. He does not understand how someone can pull out the cost of operating which is 5.7% from the cost of the driver doing business and come up with 5.2% rather than 10.9%. He stated that the District of Columbia is the only place where the further you drive the less you make; the rates do not balance out. He offered that drivers are forced to be "tax dodgers" because they cannot afford to make it on what they are being paid. He concluded that money makes the taxicab industry go and grow.

Written Comments Received

10. Andrew Schaeffer, Vice President, Liberty Cab Association, representing Liberty Cab, Royal Cab, Comfort Cab, District Cab, Washington Cab, American Cab, Checker Cab, ABC Cab, Premium Cab, and Consolidated Cab

Mr. Schaeffer commented in support of a minimum 10.9% fare increase because the District taxi industry is suffering economically and the overall service to the community will suffer if sufficient rate increases are not allowed. He stated that taxicab owner/operators are struggling to keep late model cabs on the street and meet increasing costs of operations (i.e. gas, insurance, repairs). The rate increase of 10.9% proposed by the staff should be viewed as a minimum and not as a permanent solution to a continuing problem.

11. Vaden S. Pitts, Representing Yellow Cab and the 750 drivers affiliated with Yellow Cab Company of D.C., Inc.

Mr. Pitts commented that Yellow Cab supported the 10.9% proposed by the staff because it is justified. The Yellow Cab drivers are pleased to join Mr. Daniel Smith and other colleagues in their request for prompt approval of the 10.9% fare increase.

12. Daniel Smith, President, Imperial Cab Company, Inc. representing the Joint Industry Group

Mr. Smith submitted two (2) exhibits concerning the cost of taxicab vehicles. Exhibit #2 contained a group of automobiles in an age range of six (6) years from 1983 to 1989. In his comments he writes that in 1979 a specially built taxicab cost approximately $6,000 (Exhibit #3). Today that vehicle costs over $16,000 with a corresponding increase in finance charges and collision insurance. He noted for the record that a 1985 Plymouth taxicab cost $10,475 plus $1,936 in finance charges making a total cost of $12,411. He commented that the same car today, a 1989 Plymouth taxicab, is $16,353 plus $5,087 in finance charges making a total cost of $21,440, with a corresponding increase in title and excise tax that is now almost $1,200 per car.

Mr. Smith stated that as evidenced by these cost factors, the Commission's desire for two-way radios and the continued increase in the age of equipment, the quality of taxicab service in the District will not improve but will get worse unless the Commission takes action in the form of a fair and just rate structure. Mr. Smith concludes that the 10.9% suggested by the staff will only bring the fares up to a level that they should have been two years ago. Mr. Smith, on behalf of the Joint Industry Group, requested that the Commission amend and adopt the rate proposal of 10.9% suggested by the staff.

Prepared by: ______________________
George W. Crawford, Secretary

PHCOMMT

PREPARED STATEMENT OF JOHN T. BUGG

TO: Senator Brock Adams
513 Hart Senate Office Building
Washington, D.C. 20510

DATE: July 19, 1989

SUBJ: Written Testimony for Hearing on Taxicab Concerns

My name is John T. Bugg. I reside at 3410 Halloway South, Upper Marlboro Maryland 20772. I am proud to say that for the last 29 years, I have been in the taxi business. During this period of time, I have addressed many problems which still plague the taxi industry to date. I have become an expert in this business because I care. Let me take this opportunity to state some of my concerns:

1. The profit and loss aspect of this business have not been addressed by the Taxi Cab Commission as it appears that these members do not understand accounting principles.
2. We need the Taxi Cab Commissioners, City Council Members and other governing officials to govern the return on our investment to prevent control by other parties who have not been licensed to govern, i.e., taxicab companies.
3. As in other businesses, the taxi businessmen and women should be able to pass the overhead on to the consumer.
4. Many of our public hearings are now closed to taxicab businessmen and women and the public. Who is to determine whether or not the decisions made in these meetings are fair, just and non-discriminatory? As many of these decisions reflect on the livelihood of the taxi businessmen and women why are they closed?
5. The Taxi Cab Commissioners have stalled all efforts of progress by requesting data and studies which have been available since 1982 - these studies have costs over $100,000. These delaying tactics have done financial damage that cannot be retrieved.

NOTE: See attached article in the Washington Post by William Raspberry.

John Bugg

John T. Bugg
Capitol Cab #99

cc: Honorable Steny Hoyer

It's Business, Not Racism

"I wouldn't want to accuse you people of actually lying," the cabbie said. "Let's just say that the more I know about a particular subject, the wronger the newspaper articles about that subject seem to be."

"So what area of your expertise did we blow this time?" I asked. "Tiananmen Square? The Iranian succession? Cold fusion?"

"I'm talking about the taxi business," he said. "Your paper just had a story claiming that taxi drivers discriminate against black people. Well, it just shows that you people don't know the first thing about hacking."

"Hey, don't blame us," I said. "We were just reporting the findings of a survey commissioned by the Lawyers' Committee for Civil Rights. What they said was that you guys pass up a lot of people who are trying to hail taxis but that blacks are almost seven times as likely as whites to be passed up. That looks like pretty strong evidence of discrimination to me."

"Which shows you how much you know about the taxi business," the cabbie said. "In the first place, the survey didn't say anything about the race of the drivers. In the second place . . . you got a few minutes? Come on up front. I'm going to give you an education."

He pulled to the curb, and I joined him in the front seat as he went cruising for passengers. We had driven only a few blocks when a young black guy tried to hail us.

"Don't look toward him," the cabbie said, as he pulled to the center lane and waited to make a U-turn toward a white guy I hadn't even seen.

"But . . ."

"Shut your mouth and use your eyes," he said. "See that bus stop where the black guy is standing? That's the stop for the Benning Road bus. You can't make any money going out there. Now this white guy has a fairly large brief case, which means a short two-zone trip to his K Street law office, or if I'm living right, he could be good for a nice interstate rate to the airport."

"National," said Mr. Briefcase, as he climbed into the back seat. "Pan Am shuttle."

"Lucky," I said.

The cabbie decided to skip the taxi ranks at National and deadhead back downtown. He was cruising up 14th Street when we saw two black women, both middle-aged, similarly dressed and carrying shopping bags. He passed the first and picked up the second.

"If you remember," he explained later, "the woman we picked up had a worn shopping bag, which meant she was on her way to her housekeeping job in Georgetown or Cleveland Park. (Actually we had gone to Forest Hills, but his point held.) The other lady, the one with the new shopping bag, had finished her shopping and was headed home, probably to Southeast."

And so it went. Whites who turned out to be poor tippers headed for inconvenient addresses were aberrations, whose unanticipated behavior never seemed to affect the prospects of the next white. Blacks rarely got the chance to show that they too could be aberrant. But none of it had anything to do with racial discrimination, the cabbie kept insisting.

"It seems to me that, no matter how you explain it, you'll pick up just about any white person who sticks up a hand. The only time you pick up black people is if there are no whites around. And even then, you pick and choose like a lawyer selecting a jury for a guilty client. If a white driver did that, you'd call it racism. What am I supposed to call it when you do it?"

"Look," he said, "I'm out here to make a living. You're black, so you're looking at race. I'm a businessman, so I'm looking at economics. The only question in my mind is: Is this fare one that'll make me some money and let me live to keep it?"

"That's exactly what I'm talking about," I said. "It seems not to have occurred to you that your assumptions are untested and quite possibly wrong. It's only your guess that those people you passed up were headed across the Anacostia River, or were poor tippers or were out to rob and murder you."

"You have to admit I've been guessing pretty good so far," the cabbie said.

"And what's the evidence of that?" I asked.

"I'm not dead, am I?"

He had me there.

PREPARED STATEMENT OF IRVING SCHLAIFER

Wednesday, July 19, 1989

Statement of

Irving Schlaifer, President
Washington DC Taxicab Association
1344 Kennedy St., N. W.
Washington, D. C. 20011
Phone: 202-723-2588

Before the

Honorable Julian C. Dixon, Chairman
Subcommittee on D. of C. Appropriations
Room H-218, U. S. Capitol Building
Washington, D. C. 20515
Phone: 202-225-5338

Mr. Chairman and Members of this Committee, my name is Irving Schlaifer. I am President of the Washington DC Taxicab Association. I live at 1344 Kennedy St., N. W., Washington, D. C. I am speaking in behalf of cab drivers and cab passengers. I have been a witness before this Committee many times in the past.

Once again, those that I speak for, are absolutely opposed to the mandatory installation of taximeters. You need only to read the New York City news items about the great many problems that they have with taximeters in their city. It has cost the New York City taxpayers millions of dollars trying to keep the taximeter operators honest. This is impossible, since the taximeter is the legal right to steal. We do not have this problem in D. C. because we have prohibited the use of taximeters. In D. C. we use a far superior method of computing taxicab fares, the flat-rate zone system.

The D. C. flat-rate zone system, now in use for over 50 years, is obsolete. It should be replaced as soon as possible. It should be replaced with the Mileage Rate Zone System (MRZS). I have enclosed a copy of my two page statement made before you, Wednesday, June 11, 1986. This statement gives in greater detail the reasons why this Committee should recommend to the District of Columbia Taxicab Commission (DCTC) that the MRZS be adopted immediately.

Nearby Maryland and Virginia authorized the use of vans as taxicabs several years ago. The legislation that created the DCTC states that a 'Taxi or taxicab, means any passenger vehicle for hire having a seating capacity of 8 or less passengers, exclusive of the driver, and, operated as a vehicle for passenger transportation for hire by taxicab.'

This definition for a passenger vehicle to be used as a taxicab does not require that there be a mileage or age limitation on such vehicles. This definition permits the use of 4-door sedans, 4-door station wagons, 2-door vans, 3-door vans, etc. With this definition, the marketplace will determine which vehicle the cab riding public will choose to ride in. Enclosed is my statement before the DCTC, dated, Tuesday, April 4, 1989. It contains additional comments related to this problem. The DCTC must be told by this Committee to immediately authorize the optional use of vans as taxicabs.

Our last across the board rate increase was authorized by the D. C. Public Service Commission (PSC) to become effective March 24, 1985. The DCTC has recommended that only the zone rates be increased by 5.2 percent, the cost of living increase from January '88 thru January '89, and, that there be no increase on service rates, such as, hourly rates, etc. The DCTC Panel on Rates and Rules has deliberately ignored the cost of living index increases from January '85 thru January '88. We actually need an across-the-board rate increase of not less then 25 percent.

We asked for a rate increase over two years ago. The DCTC is still studying the problem. They know that there is no question that we need the rate increase. They know that the longer they hold up our long overdue across-the-board increase, service to the cab riding public will get worse and worse. And yet, the DCTC blames the cab drivers of D. C. for giving poor service to the cab riding public.

The DCTC nevers blames itself for creating this problem. The DCTC has proposed outrageously high fines with which to punish the DC cab drivers as the only way of forcing them to work under such oppresssive conditions. The DCTC must be told by this Committee that the economic conditions that the DC cab drivers must work under must be taken care of first, and, that we be given an across-the-board rate increase immediately of not less than 25 percent.

(continued on Page 2.)

(continued from Page 1.)

Statement of Irving Schlaifer, Pres., Washington DC Taxicab Association, before the Subcommittee on D. of C. Appropriations, Wednesday, 7-19-89.

I have attended most of the 5-member DCTC Panel or Rates and Rules. This Panel is a total disaster. It is a constant clash of personalities and egos. It is made up of overnight experts, experts on nothing. They will only learn at our expense. In the eyes of many DC cab drivers, the DCTC has become a 'Frankenstein and a Monstrosity'.

The DCTC needs to be completely overhauled. There is no need for 13 Commissioners. This creates too many 'Chiefs' and not enough 'Indians'. The former panel on 'Adjudication' were not Commissioners. They were just members of the Panel. There is no necessity that they be Commissioners. The PSC operates very efficiently with just three Commissioners. The DCTC needs only three Commissioners and an executive director, plus the needed staff.

The way that the DCTC now conducts a rate Hearing, makes no sense. The DCTC needs to hold Formal Hearings in the same way that the PSC has always done. All interested parties can present their position, be witnesses, be cross-examined and cross-examine other witnesses. The PSC made available transcripts of these Hearings. We knew what we were suppose to do. It made sense. This Committee should withhold the money that the DCTC needs with which to operate. It is the only way to get these changes made by the Mayor and the City Council.

Proposals that are made to the DCTC to improve service get ignored. One important way to get service is to give the DC cab drivers the right to use destinations signs on an optional basis. This was done successfully during World War II. Everyone will benefit.

This means that the DCTC would have to relax their rules. This, the DCTC will not do, because it has taken the position that punishing the cab drivers is more important than rewarding the cab drivers with economic incentives. The DCTC has recommended outrageous fines as a cure-all. This kind of medicine will kill the patient. You cannot attract new cab drivers to replace cab drivers that have left the cab industry for one reason or another, when they see themselves being punished more than being rewarded.

We DC cab drivers can understand working with strict rules and regulations if we were on a private or government payroll. If we were being paid $300 or more a week and getting all of the benefits, such as, paid vacations, sick leave, health and accident insurance, pensions, etc. We do not have any of these benefits and protection.

We are strictly on our own. It is always a gamble as to whether we will make a day's pay. It is strictly potluck. We don't need all of these regulations that punish us in order to make us work. If we don't work, we don't eat. It is simple as that. We have to work whether we like it or not, in order to survive. That is the one rule that we all know only too well. What we need are rules and rates that will reward us.

If Jack Lusk, the Taxi Commissioner of New York City, considers it important enough to drive a cab and learn from actual exxperience, what would be the best way to solve their taxi industry problems, then it would be even more important that we make it mandatory that the DCTC do the same thing. This Committee should insist that it be made mandatory that the 13 Commissioners, Hack Inspectors, administrators, etc., of the DCTC be paid only for a four day week. One day a week shall be set aside for them to drive a cab full time. What they earn that day driving a cab shall be their pay. This would be the best way to open their 'eyes' as to how best to solve the many problems of the D. C. taxicab industry.

I have included a number of exhibits. I will appreciate your making them a part of the permanent record of this hearing.

I want to thank this Committee for giving me the opportunity of being here today. This concludes my statement. I will be glad to answer any questions that the Members of this Committee may care to ask of me.

Statement of
Irving Schlaifer, President
Washington DC Taxicab Association
1344 Kennedy St., N. W.
Washington, D. C. 20011
Telephone: 202-723-2588

Before Tues. 6-13-89
D. C. Councilmember Nadine P. Winter
Chairperson, Committee on Public Works
Room 118, District Building
1350 Pennsylvania Avenue, N. W.
Washington, D. C. 20004
Telephone: 202-724-8064

Subject: Bill PR 8-100, 'District of Columbia Taxicab Commission (DCTC) Rulemaking Approval Resolution of 1989'.

Public Hearing, 9 a.m., Tuesday, June 13, 1989, Room 114, District Building.

It is the opinion of those that I speak for, that this Committee should not give more control to the DCTC over the D. C. cab drivers by passing Bill PR 8-100. What we need 'first' and most of all, is an 'across the board' taxi rate increase.

Our last 'across the board' taxi rate increase was authorized by the D. C. Public Service Commission (PSC) to become effective, March 24, 1985. More than four years have now gone by. In this time frame, the cost of repairs and replacement of a taxicab has gone up 25% or more. The rate proposals that I and others had submitted, were rejected by the DCTC. The only thing that we got, was a 40¢ per trip rate increase in March 1988. This was to take care of the increase in our taxi insurance when it went from $18.50 per week to $33.00 per week.

In the last eight weeks, the DCTC has arbitrarily recommended a 5.2% rate increase on zone rates only, based on the cost of living index January '88 thru January '89. The DCTC has completely ignored the cost of living index for the years between March '85 and January '88. The DCTC has completely ignored service rate increases. We have had a $12 hourly rate for years, it must go to $16 an hour. Limousine hourly rates are as high as $40 and $50 an hour, therefore, $16 an hour for taxicabs is extremely low by comparison. We have never had a 'time fare'. The taxicabs in nearby Maryland and Virginia with their taximeters have a time and mileage fare for years. There is no reason why the D. C. taxicabs cannot have a time and zone fare. It should be 40¢ per minute, or, the total taxi fare whichever is greater.

One of the most important thing that the DCTC can do immediately, is to scrap the obsolete taxi zone system now in use and have it replaced with a floating zone system, the Mileage Rate Zone System (MRZS). A $15,500 study made in 1974 for the PSC, by two University of Maryland professors, recommended that MRZS replace the obsolete taxi zone system now in use.

The DCTC rejected my rate proposal and the taxi union proposal because they were not documented. I have submitted rate proposals for over 40 years before the PSC and since 1961 before the Washington Metropolitan Area Transit Commission (WMATC). The PSC and the WMATC never required rate proposals to be documented when originally submitted for their consideration. They saw to it that all rate proposals got equal consideration. They saw no need to make it a rich man's game. There absolutely no need for the DCTC to make it a rich man's game. The DCTC has the staff, the money and the time to document all rate proposals. Those of us that submit rate proposals without documentation, means that we are willing to accept the DCTC staff's documentation. There is no necessity for the DCTC to make a mountain out of a molehill. Several of my rate proposals were adopted without documentation, such as, the rush hour surcharge, and, the double fare during snow emergencies.

I have attended many meetings of the DCTC Panel on Rates and Rules. The conduct of Commissioner Lucille Johnson is unacceptable. You need only to read the transcript of its meeting for March 15, 1989. Chairman Arrington Dixon did not do anything about her lack of self-control when Commissioner Yale Lewis had the floor. She did not want to hear what he had to say, and, without permission from anyone, left the room for approximately 10 minutes. Commissioner Johnson should be asked to resign immediately.

At 11 a.m., Tuesday, June 6, 1989, a rate hearing was held before the DCTC Panel on Rates and Rules. Chairman Arrington Dixon called

(continued on Page 2.)

(continued from Page 1.)

Statement of Irving Schlaifer, President, Washington DC Taxicab Association before Chairperson Nadine P. Winter, Committee on Public Works, Public Hearing, 9 a.m., Tuesday, June 13, 1989, Room 114, District Building.

me as the last witness. As I was taking my seat at the witness table, Commissioner Lucille Johnson, got up and left the hearing room without asking for permission to do so. She never returned to the hearing room. She apparently did not want to hear what I had to say as a witness. I called it to the attention of everyone that Commissioner Johnson had, without permission, left the room, and, that her conduct was unacceptable. I recommended that she be asked to resign, and, that she should not be paid the $150 for her attendance at this meeting, because she did not stay until it was completely over. I was a witness for only a few minutes. The DCTC has no hesitation about cracking down very hard on all cab drivers that do anything that is unacceptable with extremely high fines. The DCTC is now recommending, that in addition to the fines, an elaborate point system be used as another form of punishment against the cab drivers that doing anything perceived to be wrong. But, we have no rules governing the unacceptable conduct on the part of DCTC Commissioners. If cab drivers needs rules to govern their conduct, we need rules to govern the conduct of the DCTC Commissioners.

The DCTC has recommended 47 fines, 27-$25 fines, 5-$50 fines, 7-$100 fines, 1-$250 fine, and 7-$500 fines. The DCTC has also recommended that there be 108 different taxicab violations for which points will be given. There will be 38 violations that will have a one point assessment, 28 violations that will have a two point assessment, 11 violations that will have a three point assessment, 26 violations that will have a four point assessment and 5 violations that will have a twelve point assessment. When a cab driver gets a total of twelve points, his Hacker's license can be revoked.

When the DCTC took over the responsibility of regulating the D. C. taxicab industry two years ago, there was a great deal of hysteria. Far too many of the wrong people were pushing the panic button. These wrong people wanted outrageously high fines, outrageous point system, etc. Everything has calmed down. You can get the same results with small fines. No work related fine should be over $5. A $100 fine is all that is needed for illegal cab drivers. We do not need a point system. We already have a severe point system for violating driving regulations. Accumulate 12 points for driving violations and your driver's permit is revoked. This automatically stops you from driving a taxicab.

We need to do a better job of screening and qualifying those that get the Hacker's license. We need to eliminate the crazy ideas of the past and present, that has forced the cab drivers to run far too many unprofitable trips. The DCTC must take every step to make every trip a profitable trip. The DCTC must stop shortchanging the cab drivers. There is a direct connection as to how rotten the cab driver is being treated by the DCTC, as to how rotten the cab passengers are in turn being treated and shortchanged.

The bureaucrats seem to think that once a person gets a Hacker's license, that new cab driver will find the streets paved with 'gold'. The new cab drivers will find the streets paved with 'hell', when they realize what the outrageous fines and point system can do to them. What other jobs do you know of that has such outrageous fines for failure to do the job right? When you read the list of fines and point violations, you have to conclude that the DCTC has an intensely deep hatred of all cab drivers.

There is a great turnover in cab drivers. There will be no incentive to those wanting to be a new cab driver, when they realize that the rules will punish them, more than reward them. They will look for other occupations that will have virtually no punishment and far more rewards, such as, vacation with pay, health and accident insurance, retirement plan, plus other fringe benefits, etc.

(continued on Page 3.)

(continued from Page 2.)

Statement of Irving Schlaifer, President, Washington DC Taxicab Association before Chairperson Nadine P. Winter, Committee on Public Works, Public Hearing, 9 a.m., Tuesday, June 13, 1989, Room 114, District Building.

The D. C. cab drivers have no vacation with pay, health and accident insurance, or, other fringe benefits, etc. They operate on a strictly feast or famine, win or lose, potluck basis. A cab driver cannot be guaranteed a living wage. Such conditions discourages many from wanting to stay in the cab business. It discourages many from wanting to be a new cab driver. They do not want to take a chance on losing everything, driving a cab.

The proposed outrageously high fines and point system will backfire on the DCTC. According to the DCTC it is intended to improve the quality of service to the cab riding public. If the incentive to be a cab driver is destroyed by these proposed outrageous fines and points, how can excellent service be maintained if there are no new cab drivers to replace the cab drivers that leave the taxicab business. A shortage of new cab drivers will result in poorer and and poorer service to the cab riding public.

At a public hearing before the DCTC, Monday, July 13, 1987, I recommended that the DCTC authorize the optional use of new vans for use as taxicabs, be they 2 door, or, 3 door. That these vans carry not less than 9 passengers, including the driver. Virtually every new 4 door sedan, or, 4 door station wagon, now being sold, is too small to be used as a taxicab. Several years ago, Maryland and Virginia, authorized the use of mini vans. Cab passengers enjoy riding in them. More and more vans are being used as passenger for hire vehicles across the United States and foreign countries. I have reminded the DCTC, time and time again, that we be allowed the optional use of vans. They have done nothing.

Jack Lust, the Chairman of the New York City Taxi and Limousine Commission, volunteered to be a cab driver whenever he found the time to do so. This he was able to do. He said he wanted to actually drive a cab on the streets of New York City, so that he could better understand the problems of cab passengers and cab drivers.

In a letter to the DCTC, dated, Monday, December 5, 1988, I stated that it should be a mandatory requirement that the DCTC Chairman, the 12 Commissioners, Hack Inspectors, staff supervisors, etc., be paid for a four day week with government pay. The fifth day's pay shall be whatever they shall earn driving a cab full time. This Committee should pass legislation requiring that this be done as soon as possible. This is the only way that DCTC can be able to fully understand the problems of the taxicab industry. It cannot be done sitting at a desk, shuffling papers all day long.

Legislation PR 8-103 has been introduced to reappoint John F. Jessamy to the DCTC. Legislation PR 8-104 has been introduced to reappoint Yale P. Lewis to the DCTC. I have no objection to their serving on the Panel of Adjudication. They should not be allowed to continue to serve on the Panel of Rates and Rules. They have not done a good enough job on it.

This Committee should overhaul the DCTC. The way it holds hearings is unacceptable. The PSC always held formal rate cases. It should be done the same way at the DCTC. It is a joke the way the DCTC conducts rate hearings.

This concludes my statement.

Thank you, for giving me the opportunity to be a witness at this Hearing.

I will be glad to answer any questions that this Committee may care to ask of me.

MUNICIPAL PARKING

(Clerk's Note.--The following was received from Alan J. Roth with a request that it be placed in the hearing record.)

1442 Corcoran Street, N.W. #1
Washington, D. C. 20009
225-2927 (W) 667-7812 (H)
August 11, 1989

Letters to the Editor
The InTowner
1700 17th Street, N.W. - Suite 100
Washington, D. C. 20009

To the Editor:

While I share the frustration of the 18th and Columbia Road Business Association over the Barry Administration's lack of commitment to developing a sensible parking policy, the Association's recent activities on Capitol Hill are open to question.

The D.C. Council last year impaneled a broad-based Citizens Advisory Task Force on Municipal Off-Street Parking to address parking issues not just for Adams Morgan but for every neighborhood. I represent Ward Two on this Task Force; George Frain and Herb White, who testified before the D.C. appropriation subcommittees for the Association, are also members.

At several Task Force meetings, Messrs. Frain and White repeatedly advocated a rather narrow viewpoint, summarized as follows: Adams Morgan has the city's worst parking problem, paving over any available open space is the answer to that problem, and all money for the job should come from Metro.

Aside from the questionable wisdom and legality of digging up parks or taking money from Metro, their one-dimensional approach is unlikely to produce the consensus needed for development of an effective city-wide parking plan. The parking concerns of small business owners, consumers, and residents alike must be addressed in a balanced fashion, in all neighborhoods, through realistic funding mechanisms.

The Task Force stopped meeting early this year because the Barry Administration refused to provide for the professional assistance needed to do this job intelligently. If pressure is to be applied on Capitol Hill, it should be directed at forcing the Mayor to assist the Task Force in developing a coherent parking policy for the entire city, not at seeking Federal funds to address an essentially municipal responsibility for the benefit of one particular neighborhood or business group.

Sincerely,

Alan J. Roth

ALAN J. ROTH

cc: ✓The Honorable Julian C. Dixon, Chairman
Subcommittee on the District of Columbia
House Committee on Appropriations

The Honorable Brock Adams, Chairman
Subcommittee on the District of Columbia
Senate Committee on Appropriations

Members of the Task Force

Mr. Eric Jones

August 1989

LETTERS

Letters should not exceed 300 words, should be signed, and must include the writer's address and both day and evening telephone numbers. In appropriate instances, if so requested, letters may be published on a "name withheld by request" basis. We reserve the right to edit for clarity and to fit the limited space available. Titles or other identifiers below the writers' names are inserted at the editor's discretion.

More on Adams Morgan Parking

Last month I presented in the letters column a major parking plan propsed by John Carleton, owner of 1841 Columbia Road.

The plan would serve residents and businesses in the Adams Morgan area. It proposed a parking facility under Community Park West, with the park restored and beautified. It would not be built with tax funds, but with city bonds.

In the meantime, Rob Grady, a home owner and a member of the 18th and Columbia Road Business Association, has been talking to Colonial Parking about doing a feasibility study on parking for Adams Morgan at two sites, the cost of a parking facility, and the relative advantages. The underground sites suggested for study are Community Park West and the the tennis courts and ball park at the Marie Reed School.

The business association has already brought the two proposed sites to the attention of ANC-1C chairperson Grace Malakoff, while Rob Grady has been talking to officials of the Reed-Cooke Neighborhood Association (RAM) about the Reed School site.

On July 19, officers of the business association testified on the DC budget before Rep. Julian Dixon, and Sen. Brock Adams, chairmen of the House and Senate appropriations subcommittees on the District of Columbia, respectively.

We asked for funds for parking facilities to implement the 1980 municipal off-street parking facilities act, DC public law 3-108.

Rep. Dixon responded to this by suggesting that he would talk to city officials about this parking proposal, and said we should talk to our city officials as well.

Wouldn't it be great if Rep. Dixon was able to persuade Mayor Barry and City Council members to transfer $5 or $10 million of the $60 million in parking revenues the city collects each year to provide parking in Adams Morgan? Presently, all of this $60 million goes to Metrorail.

Pat Patrick
Vice President & Treasurer
18th & Col. Rd. Business Ass'n.

Jesse Jackson Should be a U. S. Senator, Not the Mayor

Rev. Jesse Jackson is moving to the District of Columbia and I think he should be welcomed with open arms. He is also relocating headquarters for the Rainbow coalition here and, given the disappointments we have experienced in partisan politics, I say that this, too, is a good move.

What is troubling to me, and I think equally troubling to a growing number of voters here, is Rev. Jackson's refusal to publicly remove himself from or place himself in the DC mayor's race—a race, I might add, he never

Cont. LETTERS, p. 6, col. 2

George Frain's Corner

By George Frain*

18TH & COLUMBIA ROAD BUSINESS ASSOCIATION OFFICERS TESTIFY ON PARKING NEEDS, TAX AND SPENDING CAPS; SUPPORT PROPOSED COMMISSION TO REFORM HOME RULE

This columnist had a unique opportunity to testify before the Congress recently on some basic issues that are of concern to average citizens—lack of municipal parking, high taxes, and lack of adequate loans and the possibility of red-lining of inner city, low- and moderate-income areas.

The occasion was the July 19 hearing given public witnesses by the Senate and House appropriations subcommittees on the District of Columbia. (For the first time ever, the two subcommittees held joint hearings.)

Testifying on this occasion were four officers of the 18th and Columbia Road Business Association: president Hilda Rivas, vice presidents Pat Patrick and Herb White, and this columnist who serves as association secretary.

Presiding at the hearing were Senator Brock Adams and Representative Julian Dixon, chairmen of the Senate and House appropriations subcommittees on the DC budget, respectively. Under review was the DC budget for fiscal year 1990, at the staggering sum of $3 billion.

Chairman Dixon predicted recently that Congress will authorize the appointment this year of a commission to study changes in the city's Home Rule Charter.

In our prepared statement we said that our home rule government had not been responsive to the citizens and small-scale businesses in the city, and we stated that we welcomed the establishment of such a commission.

We pointed out that hundreds of small businesses had their land and buildings taken from them in 1972 with the help of President Nixon and lawyers from the Department of Justice. Judge Gerhard A. Gesell presided in most if not all of these cases. This is the same judge who gave a light sentence to Col. Oliver North for his role in the Iran-Contra mess. The ostensible purpose for this large-scale taking was to build the subway lines and stations at 12th and G and 7th and F.

Their land was taken under and pursuant to eminent domain powers in the 5th Amendment to the U.S. Constitution. They were paid for their land and buildings between $30 and $100 a square foot. But, as we pointed out, that same land is now being bought by big U.S. and foreign investors, including Dutch, British, Canadian and Japanese, for between $1,000 and $1,500 a square foot.

We pointed out that Home Rule is so weak that small-scale business people are more endangered in this city than snail darters, whales, and elephants.

Massachusetts and DC Compared

As part of our submission the committees, we included an article from the July 13 issue of the *Washington Times* reporting that Governor Michael S. Dukakis, after failing to sell the "Massachusetts Miracle" to the voters in his campaign for President, decided to make a $500 million cut in his state's recently enacted 1990 budget. According to the *Times*, Governor Dukakis said his spending vetoes will lead to thousands of state employees being laid off, across-the-board cuts in government, and the possible elimination of some agencies.

If Massachusetts is compared to the District of Columbia, we said, such a comparison will yield some interesting results.

For example, Massachusetts, with a population 5,737,000, has a proposed 1990 budget of $12.9 billion. Compare that with DC's proposed 1990 budget of $3 billion to serve the needs of 638,000 residents—about one-ninth of the population of Massachusetts.

No Home Rule government has proposed such deep cuts in the District's budget per capita as has been proposed by Governor Dukakis for the 5,737,000 citizens of his great state.

Further, we pointed out that real estate taxes have risen in many cases more than 100 percent a year in the District of Columbia. An especially horrendous example involves Pronto Press, an essential service business in Adams Morgan, which has reported that its taxes rose 400 percent since 1986. Its appeal of its most recent real estate tax assessment was denied.

The small, 16-unit housing co-op on Lanier Place where I live received a 1990 assessment of $2,332,440.00, a 120 percent increased from the previous year—and the taxes, too, went up by that percentage. Our appeal was similarly denied.

We also quoted the *Washington Post's* July 1 report that, among other things, pointed out that "in the 11 years since California's proposition 13 most states have adopted tax and spending caps of varying severity."

And we observed that members of Congress tolerate in DC huge spending and tax increases which would not be tolerated back home in the states that sent them to Congress; and this was further proof that Home Rule isn't working here.

We further quoted from a letter by DC Councilmember John Wilson which was printed in the *Washington Post* way back in February 5, 1984 the following:

"Any further tax increases will only serve to drive out businesses, jobs and the middle class, making the District a city of the very rich and the very poor. No city can long survive with such a dichotomy, and the District is no exception.

"Action must be taken now to turn this trend around and to make the District an attractive place for people and businesses to locate. . . . The District must begin to live within its budget and to finance its future budgets with existing revenues."

We acknowledged that many members of Congress have been highly critical of the District government and that much of that criticism is justified; but, we said, the Congress must do more than just point the finger to grab a TV spot or a newspaper headline. Members of Congress should quit knocking this city and using it for political purposes, such as to advance reelection. Help DC, don't kick it, we said.

Cont. FRAIN, p. 8, col. 1

FRAIN, cont. from p. 4

Not One Cent for DC Parking, But $30 Million for DC Arts

In this section of our testimony, we called attention to a recent letter from the National Taxpayers Union which declared:

"$4 million is paid to subsidize programs for the performing arts in Washington, DC, including the National Symphony Orchestra, whose music director is paid $600,000. Only the best entertainment for members of Congress and Washington residents; at taxpayers expense of course."

Some years ago Jack Anderson, the nationally-syndicated columnist, gave a whole column to this arts program and stated that members of Congress had been persuaded to vote for this unusual program by "pillow talk" from their wives who had been appointed to the boards of the National Symphony, Washington Opera, and other positions of honor in the 12 arts groups assisted by this special program. The *Washington Post* refused to run his column, its editors having decided it was not up to the standard of other Anderson columns. The *Post*, noticeably, has not carried one word on this arts program since it was established six years ago. We wonder why?

We pointed out in our testimony that $600,000 for the musical director of the National Symphony as an annual salary was made possible by this $5 million subsidy of DC arts, and that this was several times as much as salaries of members of Congress and Supreme Court justices. (It is $5 million annually, not $4 million, as stated by the Taxpayers Union.)

For those who argue that this program is justified (as does the publisher of the *InTowner*) this columnist would point out, as the Reagan and Bush administrations did, that the National Symphony, the Washington Opera, and the 10 other DC arts groups getting these funds, that they are already getting funds from the National Endowment for the Arts; that what is wrong about this program is that it is "double-dipping," and the federal taxpayers in this city and nationally should not have to pay for double-dipping for anything, including DC-based arts groups. There is a principle involved here, even if the officers of the 12 groups which receive the aid refuse to see it.

Congress, we pointed out in our testimony, has appropriated $30 million at $5 million a year for this elitist fine arts program. At the same time, Congress has failed to appropriate one cent for the Municipal Off-Street Parking Facilities program it approved nine years ago; and we thought it is high time that Congress fund this parking facilities law *now*.

We submitted the following 7-step plan which, we said, Congress should adopt to help make DC an attractive place for people and businesses to locate:

1. Quit knocking this city and using it for political purposes to advance re-election campaigns for Congress. Help it, don't kick it.

2. Implement the 1980 Municipal Off-Street Parking Act by *transferring* $10 million in the FY 1990 budget from the $60 million which the city collects in parking revenues and which now goes mainly to Metro. No federal tax funds are involved, unlike the $5 million arts program.

3. Support a rule that city tax officials must assess commercial buildings on the basis of the rent they actually take in, not on the basis of the rent they theoretically could charge in the market. Some states have such assessment policies, including Maryland.

4. Set tax rates for small neighborhood businesses at the residential investor rate of $1.54, down from the present commercial property tax rate of $2.03. It is unfair to tax small neighborhood businesses at the same rate as real property owned by big foreign investors.

5. Establish tax and spending caps in DC similar to those in most states including Massachusetts.

6. Require the DC government to reduce the number of its employees to the number of employees of cities of similar size. Reduction to 38,721, the number the District had in 1983, would be a step in the right direction.

7. Take steps to see that the federal Community Reinvestment Act (CRA) is enforced in the District by taking this matter up with the Federal Reserve Board, the Comptroller of the Currency, and particularly, with the House banking committee. This is needed because some DC-based banking institutions are simply not complying in good faith with this law designed to pump the fruits of local deposits back into the neighborhoods from which they originate.

**George Frain, a resident of Lanier Heights in Adams Morgan and long active in civic affairs, serves as secretary of the 18th & Columbia Road Business Association.*

BOARD OF ELECTIONS AND ETHICS
AND
OFFICE OF CAMPAIGN FINANCE

(CLERK'S NOTE.—The following letter and material concerning testimony presented to the Committee during hearings on the District's fiscal year 1985 budget was received by the Committee and is being placed in the record at this point.)

Board of Elections and Ethics

(Clerk's Note.--The following letter and material concerning testimony presented to the Committee during hearings on the District's fiscal year 1985 budget was received by the Committee and is being placed in the record at this point.)

2301 E Street, NW #A807
Washington, DC 20037
October 6, 1988

Congressman Julian Dixon
2400 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Dixon:

During the District of Columbia Fiscal Year 1985 Budget Hearings, evidence was presented to your Committee which was both inaccurate and harmful to me. I ask that you review the enclosed correspondence between the Chairman of the Board of Elections and me. After doing so, it is my hope and my request to you that the record be corrected to reflect my concerns.

I appreciate your consideration.

Respectfully,

/S/

Ronald Cocome

CS:rc

Enclosures (3)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS
DISTRICT BUILDING
WASHINGTON, D.C. 20004-3084

September 26, 1988

Donald Cocome
2301 "E" Street, N.W.
Apt. A-807
Washington, D. C. 20037

Dear Mr. Cocome:

Recently, you inquired about the lawfulness of statements made before the House Subcommittee on Appropriations by the former Director of the Office of Campaign Finance at the 1985 Congressional Budget Hearings. The Director lacks the authority to make referrals to the U.S. Attorney because D.C. Code 1-1432(c) expressly reserves the referral function to the Board's discretion including responses to a request by the Director of Campaign Finance.

I hope this response suits your purposes.

Sincerely,

Edward W. Norton
Chairman

DISTRICT OF COLUMBIA APPROPRIATIONS FOR 1985

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

NINETY-EIGHTH CONGRESS

SECOND SESSION

SUBCOMMITTEE ON DISTRICT OF COLUMBIA APPROPRIATIONS

JULIAN C. DIXON, California, *Chairman*

WILLIAM H. NATCHER, Kentucky	LAWRENCE COUGHLIN, Pennsylvania
LOUIS STOKES, Ohio	BILL GREEN, New York
CHARLES WILSON, Texas	HAROLD ROGERS, Kentucky
WILLIAM LEHMAN, Florida	
MARTIN OLAV SABO, Minnesota	

AMERICO S. MICONI, *Staff Assistant*

PART 2

(Pages 1201-2513)

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TUESDAY, MAY 8, 1984.

BOARD OF ELECTIONS AND ETHICS

WITNESSES

EDWARD W. NORTON, CHAIRMAN
EMMETT H. FREMAUX, JR., EXECUTIVE DIRECTOR
WILLIAM H. LEWIS, GENERAL COUNSEL
KEITH A. VANCE, DIRECTOR, OFFICE OF CAMPAIGN FINANCE
ROBERT M. JAMIESON, FINANCIAL MANAGER

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CONFLICT OF INTEREST INVESTIGATION OF LOTTERY BOARD EMPLOYEE

Mr. **Dixon**. On August 11, 1983 the Washington Post reported that an investigation was underway concerning a conflict of interest where a city employee received a trip from a company that was doing or about to be doing business with or bid on a contract with the Lottery Board.

Mr. **Vance**. Yes, sir, I am quite familiar with that case.

Mr. **Dixon**. Is that case still under investigation?

Mr. **Vance**. We have concluded our investigation in that matter, sir, and referred the necessary documents to the U.S. Attorney for action.

Mr. **Dixon**. So you refer cases to the U.S. Attorney?

Mr. **Vance**. Yes, sir. Let me retract that, because I don't want to give a wrong interpretation of the statute. Under the statute the law says that any violations of the Campaign Finance Act or Conflict of Interest Act in D.C., the director of campaign finance independently does the investigations and makes and presents charges before the Board of Elections and Ethics in open session. The Board then makes a determination as to whether to sustain the director of campaign finance, reverse or refer specific violations of our statute to the U.S. Attorney.

However, with matters that we uncover of possible or alleged violations that do not fall within the gamut of our statute, they are referred to the appropriate agency. This was one of those cases.

Mr. **Dixon**. So on this particular case you made a presentation to Mr. Norton's board?

Mr. **Vance**. No, sir. On this particular case, no violations were found of the campaign finance statute. There appeared to be criminal violations of chapter 11 of Title XVIII, the bribery statutes that

fall within the scope of the U.S. Attorney so that referral was made to the U.S. Attorney for action.

JURISDICTION OF OFFICE OF CAMPAIGN FINANCE

Mr. **Dixon**. So your jurisdiction really goes to campaign financing?

Mr. **Vance**. No, sir. My jurisdiction extends to ethical standards, conflict of interest, lobbying in the District, and campaign finance. So we have a three-tiered operation, campaign finance dealing with people that run for political office: lobbyists, people who try to influence elected officials or administrative actions; and then all ethics standards and conflict of interest for those people specifically subject to our Act.

APPROVAL FOR INITIATING INVESTIGATIONS

Mr. **Dixon**. Do you need prior approval from your Board to start a preliminary investigation?

Mr. **Vance**. No, sir. My investigations are made at the discretion of the director of campaign finance without any input from the Board of Elections and Ethics. However, that does not restrict the Board of Elections and Ethics from referring specific matters to the director.

CONCLUSION OF HEARINGS

Mr. **Dixon**. This concludes our hearings with Members of Congress and the public on the District government's fiscal year 1990 budget. We want to thank everyone for their participation and their cooperation here today.

We want to especially thank Senator Brock Adams and his colleagues for joining us in this joint hearing today to hear what Members of Congress and others have to say concerning the operations of the D.C. government.

[Whereupon, at 6 p.m., Wednesday, July 19, the hearings were concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

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